

Forty-Fourth Annual Report
OF THE
RAILROAD COMMISSION
OF THE
STATE OF FLORIDA

FOR THE YEAR 1940



COMMISSIONERS

GEO. G. McWHORTER, <i>Chairman</i> , Commissioner; E. J. VANN, Commissioner; WILLIAM HIMES, Commissioner; JOHN G. WARD, <i>Secretary</i> .	} Aug. 17, } 1887, to } June 13, } 1891.
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(Commission was abolished by Act of Legislature, 1891; was recreated by Act of Legislature, 1897.)

R. H. M. DAVIDSON, <i>Chairman</i> , Commissioner; HENRY E. DAY, Commissioner; JOHN M. BRYAN, Commissioner; J. L. NEELEY, JR., <i>Secretary</i> .	} July 1, } 1897, to } Jan. 3, } 1899.
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HENRY E. DAY, <i>Chairman</i> , Commissioner; JOHN M. BRYAN, Commissioner; JOHN L. MORGAN, Commissioner; J. N. NEELEY, <i>Secretary</i> .	} Jan. 3, } 1899, to } Jan. 8, } 1901.
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HENRY E. DAY, <i>Chairman</i> , Commissioner; (Henry E. Day resigned October 1, 1932, and was succeeded by R. Hudson Burr. At the same time John L. Morgan was elected Chairman for the rest of the term.)	} Jan. 8, } 1901, to } Jan. 6, } 1903.
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JOHN M. BRYAN, Commissioner; JOHN L. MORGAN, Commissioner; J. N. NEELEY, <i>Secretary</i> . (John L. Neeley resigned October 1, 1901, and Royal C. Dunn was elected as his successor.)	} Jan. 8, } 1901, to } Jan. 6, } 1903.
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JEFFERSON B. BROWN, <i>Chairman</i> , Commissioner; R. HUDSON BURR, Commissioner; JOHN L. MORGAN, Commissioner; ROYAL C. DUNN, <i>Secretary</i> .	} Jan. 6, } 1903, to } Jan. 3, } 1905.
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JEFFERSON B. BROWN, <i>Chairman</i> , Commissioner; R. HUDSON BURR, Commissioner; JOHN L. MORGAN, Commissioner; ROYAL C. DUNN, <i>Secretary</i> .	} Jan. 3, } 1905, to } Jan. 8, } 1907.
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R. HUDSON BURR, <i>Chairman</i> , Commissioner; JOHN L. MORGAN, Commissioner; NEWTON A. BLITCH, Commissioner; ROYAL C. DUNN, <i>Secretary</i> .	} 1907, to } Jan. 4, } 1909. } Jan. 8,
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R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 4,
NEWTON A. BLITCH, Commissioner;		1909, to
ROYAL C. DUNN, Commissioner;		Jan. 3,
S. E. COBB, <i>Secretary</i> .		1911.

(S. E. Cobb resigned Sept. 5, 1909 and J. Will Yon was elected as his successor.)

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 3,
NEWTON A. BLITCH, Commissioner;		1911, to
ROYAL C. DUNN, Commissioner;		Jan. 7,
J. WILL YON, <i>Secretary</i> .		1913.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 7,
NEWTON A. BLITCH, Commissioner;		1913, to
ROYAL C. DUNN, Commissioner;		Jan. 5,
J. WILL YON, <i>Secretary</i> .		1915.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 5,
NEWTON A. BLITCH, Commissioner;		1915, to
ROYAL C. DUNN, Commissioner;		Jan. 2,
J. WILL YON, <i>Secretary</i> .		1917.

(J. Will Yon resigned August 1, 1917, and Lewis G. Thompson was elected as his successor.)

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 2,
NEWTON A. BLITCH, Commissioner;		1917, to
ROYAL C. DUNN, Commissioner;		Jan. 7,
LEWIS G. THOMPSON, <i>Secretary</i> .		1919.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 7,
NEWTON A. BLITCH, Commissioner;		1919, to
ROYAL C. DUNN, Commissioner;		Jan. 4,
LEWIS G. THOMPSON, <i>Secretary</i> .		1921.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 4,
NEWTON A. BLITCH, Commissioner;		1921, to
A. S. WELLS, Commissioner;		Jan. 2,
LEWIS G. THOMPSON, <i>Secretary</i> .		1923.

Note—Royal C. Dunn was not a candidate for re-election.

Note—Newton A. Blitch died on October 30, 1921, and was succeeded by Hon. A. D. Campbell, effective November 12, 1922.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 7,
A. D. CAMPBELL, Commissioner;		1923, to
A. S. WELLS, Commissioner;		Jan. 2,
LEWIS G. THOMPSON, <i>Secretary</i> .		1925.

Note—A. D. Campbell died on February 10, 1924, and was succeeded by Hon. E. S. Matthews, effective February 25, 1924.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 7,
E. S. MATTHEWS, Commissioner;		1925, to
A. S. WELLS, Commissioner;		Jan. 4,
LEWIS G. THOMPSON, <i>Secretary</i> .		1927.
A. S. WELLS, <i>Chairman</i> , Commissioner;	}	Jan. 4,
E. S. MATTHEWS, Commissioner;		1927, to
*R. L. EATON, Commissioner;		Jan. 8,
LEWIS G. THOMPSON, <i>Secretary</i> .		1929.
*Died February 27, 1927, and was succeeded by Mrs. R. L. Eaton, under appointment by the Governor for the unexpired term.		
*A. S. WELLS, <i>Chairman</i> , Commissioner;	}	Jan. 8,
EUGENE S. MATTHEWS, Commissioner;		1929, to
MRS. R. L. EATON, Commissioner;		Jan. 6,
LEWIS G. THOMPSON, <i>Secretary</i> .		1931.
*A. S. Wells died December 16, 1930, and was succeeded by L. D. Reagin, appointed by the Governor to serve for the unexpired term.		
EUGENE S. MATTHEWS, <i>Chairman</i> , Commissioner;	}	Jan. 8,
MAMIE EATON-GREENE, Commissioner;		1931, to
*L. D. REAGIN, Commissioner;		Jan. 6,
LEWIS G. THOMPSON, <i>Secretary</i> .		1933.
*L. D. Reagin resigned and Tucker Savage was issued a commission on July 6, 1931, appointing him to serve for the unexpired term.		
EUGENE S. MATTHEWS, <i>Chairman</i> , Commissioner;	}	Jan. 3,
MAMIE EATON-GREENE, Commissioner;		1933, to
*W. B. DOUGLAS, Commissioner;		Jan. 8,
LEWIS G. THOMPSON, <i>Secretary</i> .		1935.
*Tucker Savage, appointed to fill unexpired term of L. D. Reagin, was not a candidate for re-election.		
W. B. DOUGLASS, <i>Chairman</i> , Commissioner;	}	Jan. 8,
EUGENE S. MATTHEWS, Commissioner;		1935, to
JERRY W. CARTER, Commissioner;		Jan. 6,
*LEWIS G. THOMPSON, <i>Secretary</i> .		1937.
Commissioner JERRY W. CARTER was elected chairman for the year 1937.		
*Lewis G. Thompson resigned July 3, 1936, and George L. Patten was elected as his successor.		
JERRY W. CARTER, <i>Chairman</i> , Commissioner;	}	Jan. 6,
EUGENE S. MATTHEWS, Commissioner;		1937, to
W. B. DOUGLASS, Commissioner;		Jan. 6,
GEO. L. PATTEN, <i>Secretary</i> .		1939.
EUGENE S. MATTHEWS, <i>Chairman</i> , Commissioner;	}	Jan. 6,
JERRY W. CARTER, Commissioner;		1939, to
W. B. DOUGLASS, Commissioner;		Jan. 6
GEO. L. PATTEN, <i>Secretary</i> .		1941

FLORIDA RAILROAD COMMISSION

Tallahassee, Florida

LETTER OF TRANSMITTAL .....	6

March 1, 1941

To His Excellency,
Spessard L. Holland,
Governor of Florida.

Dear Sir:

In accordance with the provisions of the Statutes, we transmit herewith the report of the Railroad Commission of the State of Florida for the calendar year, 1940.

Respectfully submitted,

W. B. DOUGLASS, Chairman,
EUGENE S. MATTHEWS, Commissioner,
JERRY W. CARTER, Commissioner,

GEORGE L. PATTEN,
Secretary.

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**Report of the
Traffic Department**



EDITORIAL

**ESTIMATED WEIGHTS ON CITRUS FRUITS
INVESTIGATION AND SUSPENSION DOCKET NO. 4511**

By schedules proposed to be made effective July 23, 1938, (Supplement 152, Item 309-GG, Alternate Agent Miller's ICC No. 1828; Supp. 30, Item 15-F, Miller's ICC No. 1595; Supp. 30, Item 765-A, Kipp's ICC No. 1404; and Supp. 32, Item 765-A, Kipp's ICC No. 1403,) rail carriers proposed to increase the estimated weights on citrus fruit from Florida to all interstate destinations as follows:

Oranges, standard box, 12x12x24 inches, from 90 to 100 pounds.

Tangerines, Half "strap," 6x12x24 inches, from 45 to 50 pounds.

Tangerines, Standard box 12x12x24 inches, from 90 to 95 pounds.

By the same schedules, it was also proposed to revise certain rates (stated in cents per 100 pounds) from Florida to North Atlantic ports and points taking the same rates. In general, the proposed revisions of such rates on oranges were 90 per cent and on tangerines 95 per cent of the rates in effect when the schedules were filed, the purpose of such revisions to North Atlantic ports being to continue the same competitive boat-truck package charges to such destinations. Certain other revisions of minor importance were also proposed.

After analyzing carriers' proposals and finding they would result in an increase of \$658,666.27 in the rail charges on oranges from Florida, based upon the 1937-38 rail shipments, this Commission joined with the Growers & Shippers League of Florida, the Florida Citrus Commission and the Florida Citrus Exchange in filing a protest and petition for suspension of the proposed schedules and delegated Mr. Fred Pettijohn, its Accountant, to represent it in all subsequent proceedings before the Interstate Commerce Commission.

The proposed schedules were suspended by an order of the Interstate Commerce Commission entered July 22, 1938, which instituted I & S Docket No. 4511. Beginning September 26, 1938 and concluding October 31, 1938, hearings were held in Los Angeles, California, Harlingen, Texas and Orlando, Florida and this Commission took an active part in such hearings.

A proposed report was served upon all parties. Exceptions were filed by some of the parties to some of the recommended findings in the proposed report and replies to exceptions were filed by some of the parties including this Commission. All parties were heard in oral argument and counsel for the transcontinental and southwestern respondents indicated such respondents would give consideration to a revision of the transportation charges, which would result from the

approval of the suspended estimated weights, in order to lessen the burden of increased transportation charges on the citrus industry.

In consequence of the position of transcontinental and southwestern respondents, the fact that but little evidence was introduced bearing on the reasonableness of the increased transportation charges and the position of Florida protestants that under Section 15 (7) of the Transportation Act "the burden of proof to show that the increased rate, fare or charge, or proposed increased rate, fare or charge, is just and reasonable" has not been justified by respondents' evidence, the proceeding was assigned for further hearing. From September 18 to September 21, 1939, at Washington, D. C. further hearing was held, this hearing being limited solely to the reasonableness of the increased charges on citrus fruit which would have resulted from the use of the proposed higher estimated weights.

The Commission's decision of February 13, 1940, in the above proceeding found the suspended schedules not to have been justified, and contained the following findings:

"We find that the reasonableness of the transportation charges which would result from establishment of the proposed estimated weights has not been proved".

"We are of the opinion and find that estimated weights on citrus fruits, maintained in connection with the respective containers in which they are transported, which are less than the respective averages of actual weights of the respective loaded containers, based upon representative tests, regularly made, are unlawful. When estimated weights are used to compute the transportation charges, respondents should maintain them on the basis of averages of actual weights." (237 I. C. C. 313, 379.)

Respondents have had the above proceeding reopened under I & S 4786 and 4787 in which proceedings they propose to publish "PACKAGE RATES ON CITRUS FRUITS" which package rates reflect the resulting package charge in effect prior to the filing of schedules proposed to be made effective July 23, 1938. As respondents' proposed package rates would not result in either an increase in the per package or per car charge the Florida Railroad Commission did not take an active part in the proceedings but attended all hearings to protect the citrus industry's interest if such protection became necessary.

**INVESTIGATION AND SUSPENSION DOCKET NO. 4577
ESTIMATED WEIGHTS ON FRUITS, OTHER THAN CITRUS,
AND VEGETABLES**

By tariffs filed to become effective January 1, 1939, carriers proposed a general revision of their estimated weights on fruits, except citrus, vegetables, melons and berries from all territories except official to all destinations throughout the country. They also proposed separate

charges for the transportation of ice contained in the packages with vegetables. Except as to strawberries (for which separate weights are proposed from Florida higher than from other strawberry producing states in southeastern territory) southern carriers proposed the same estimated weights for each kind of vegetables in the respective containers for the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Southern Virginia and that part of Louisiana lying east of the Mississippi River which states comprise the Southern Producing area. Upon protest of numerous shippers, shipper organizations, officials of State Governments, including Florida, and the Secretary of Agriculture, the proposed schedules were suspended until August 1, 1939 and have been held under suspension by voluntary action of the respondents since that date.

In addition to their proposal to stabilize the weights from all producing origins in the Southern Producing area the Florida carriers are proposing the following rate reductions on Florida vegetables to be made concurrently with the revised estimated weights;

- (a) Approximately 15 per cent in the rates on all vegetables to the territory roughly described as east of the Rocky Mountains.
- (b) Approximately 20 per cent in the present rates on celery.
- (c) A much greater percentage reduction than 15 per cent in the rates on both green corn and cauliflower.

This Commission delegated Mr. Fred Pettijohn, its Accountant, to represent it in the hearings with respect to both the proposed revision in estimated weights and the proposed separate charges for the transportation of ice in the packages with the vegetables. This Commission and the Growers and Shippers League of Florida decided to interpose no objection to the revision of estimated weights to such amounts as are warranted by the test weights in Southeastern producing area but vigorously protested the establishment of weight based upon the weighings in both Southeastern and other producing areas. The reasons for not opposing the revision of estimated weights from Florida on the basis of the weighings in Southeastern territory were (first) because the revised weights increased but very little the presently effective weights established for Florida in a prior decision; (second) to place Florida growers and shippers on a parity with the other Southeastern growers and shippers as to billing weights; and (third) because the proposed reductions in rates when applied to the revised estimated weights will not on the whole traffic substantially increase the resulting per car charges on vegetables. Our reason for vigorously opposing the establishing of estimated weights based upon the weighings in two or more producing areas is that such a method unjustly penalizes the

territory from which relatively light-weight packages are shipped and unduly prefers the territory from which heavy-weight packages are shipped.

This Commission and the Growers & Shippers League of Florida vigorously opposed the proposal to establish higher weights on strawberries from Florida than from other southeastern states. The only justification offered by carriers for such exception to the plan for unified weights from all states in the southeastern area was that strawberries from Florida do not come into competition with strawberries from other points in the south and command a better price than do strawberries from other southern origins. We contended that carriers were in error (first) because shipments from the Starke-Lawtey section are in direct competition with berries from Louisiana, Alabama and Mississippi; (second) because even if Florida strawberries do command a higher price that fact should be considered in the question of the level and relationship of rates (which has been previously passed upon by the Interstate Commerce Commission) as distinguished from estimated weights; and (third) there has not been made any sufficient showing for singling out strawberries for special treatment, different from that accorded to vegetables from southern origins.

This Commission and the League also vigorously opposed the proposal of carriers to charge 5 per cent of the freight charge for the transportation of ice in the package with the vegetable. We contended that package ice was a refrigeration service, used in the protection of the lading, and auxiliary to transportation; that under decisions of the Interstate Commerce Commission and of the Federal Court carriers were entitled to only such additional costs plus a reasonable profit as the furnishing of such service occasioned; that where such package ice was supplied by the shipper the only elements of cost properly to be considered under the refrigeration decisions were haulage of ice, floor damage, and profit; that because vegetables from Florida never move with ice in the package unless also with top ice the only additional elements to be considered are haulage of ice (at 0.75 mill per ton mile) plus a reasonable profit.

The case was briefed on February 15, 1940; proposed report issued; exceptions filed August 26, 1940; reply to exceptions filed September 5, 1940; and orally argued on November 25, 1940. Decision in the above proceeding is expected shortly but in the mean time Florida is enjoying the proposed reductions in vegetable rates by the voluntary action of the Florida originating carriers.

SOUTHERN CLASS RATES

Progress has been made in an attempt to bring to a successful conclusion reduction in class rates which proceedings are identified as Class Rate Investigation, 1939, proposed adjustment on rates between the South and the North. As stated in our previous report, Mr. J. Van Norman, of Louisville, Ky., is chief counsel for all the southern states, ably assisted by Mr. Warren H. Wagner of Washington, D. C.

The Southern Governors' Conference, which consists of the governors of Arkansas, Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, Tennessee and Texas, have been active during the past year in the handling of this adjustment, and formal conferences were held at Nashville, Tenn., during January, Charleston, S. C., during April, and Mobile, Ala., during September. Southeastern Governors' Committee consists of Hon. Prentice Cooper, Tennessee, Chairman, Hon. Clyde R. Hoey, North Carolina and Hon. Fred P. Cone, Florida, as members of the Committee.

Representatives of twelve states met at the Nashville meeting for an interstate conference on governmental problems of the South. The Council of State Governments, the Southern Governor's Conference and the Tennessee Commission on Intergovernmental Cooperation jointly sponsored the meeting.

Consideration of problems facing the state governments of the region, such as interstate trade barriers, agricultural and industrial development of the South, financial and budgetary problems of the Southern States, and other matters, filled three days of intensive discussion by governors, legislators and state administrative officials. By appointments of the Governor those representing Florida were, Mr. L. L. Chandler and Mr. E. G. Todd of the Florida Citrus Commission. Hon. Cary A. Hardee, former Governor of Florida, and the late Mr. J. H. Tench, Rate Expert for this Commission.

In order to safeguard Florida industrial interests as they may appear, the Honorable Fred P. Cone, Governor of this State, appointed a committee of three industrialists, Mr. John F. Ingle of Jacksonville, Mr. Angel L. Cuesta, Jr., of Tampa and Mr. Henry O. Shaw of Miami, as a committee to steer the policies and guide the work which will be necessary in the Southern Class Rate Investigation. This committee was appointed at the suggestion of the Florida Rate Conference.

The Commission decided to have members of its staff take charge of Florida's special interests in the Southern Class Rate Investigation case, staff members to include Mr. T. T. Turnbull and Mr. Wm. P. Simmons, Jr., of the Legal Department, Mr. Fred Pettijohn, Auditor and Mr. I. T. Williams, Rate Expert. They were instructed to confer

with the Florida Rate Conference as to the conduct of our special side of the case, and to call on the members of the Conference for such assistance as it may be deemed will be helpful. Under date of September 12, 1940, a conference was held at Orlando, Fla., between the Florida Rate Conference, the Industrial Committee and staff members of the Commission. It was deemed advisable to have Mr. F. C. Hillyer, Commerce Attorney, Jacksonville, Mr. T. C. Maurer, Traffic Manager of the Jacksonville Traffic Bureau, Mr. Thomas E. Grady of the Greater Miami Traffic Association and Mr. J. H. Donnell, Manager of the Tampa Traffic Association, all members of the Florida Rate Conference, prepare technical rate studies of rail, water and truck rates, also import and export traffic and such other matters as may prove essential and submit such exhibits to the Commission staff members for review and approval. This work is now underway and should be completed prior to date set for formal hearing of the case.

As a preliminary to formal hearings it appeared to the Interstate Commerce Commission that it would be desirable to hold an informal conference with counsel for the respondents and interested persons who anticipate appearing at the hearings. The purpose of such informal conference was to develop more clearly what matters are in issue, and what particular phases of the general subjects designated in the orders of investigation shall be first explored. It was thought desirable to discuss informally the general character of factual matters which should be developed upon the record, and how such matters may best be shown, and to minimize lost motion and inclusion of irrelevant and immaterial matter. This conference was held at Chicago, Ill., October 28, 1940, at which the Florida Railroad Commission was represented by members of its official staff.

SOUTHERN LIVESTOCK RATES FROM AND TO THE SOUTH

This proceeding is the result of complaints filed with the Interstate Commerce Commission by the Eastern Meat Packers Association and Swift & Company, undertaking to bring about a reduction in the freight rates on livestock from the South to the North which will place the South on a relative rate level with producers in the favored Northern Territory in reaching the principal consuming markets in the States of Maryland, Pennsylvania, Delaware, New York, New Jersey, Massachusetts, Connecticut, Ohio and Illinois.

During the past year hearings before the Interstate Commerce Commission were held at Washington, D. C., June 17th thru 20th, at Louisville, Ky., June 24th thru 27th, at Johnson City, Tenn., July 8th thru 11th, at Atlanta, Ga., November 7th thru 20th and at Savannah, Ga., November 7th thru 15th. At the time this editorial is being written

the Kansas State Corporation Commission and the Missouri Public Service Commission are endeavoring to generate opposition to our Southern Complaint and the Interstate Commerce Commission has granted their request for an additional hearing tentatively set for February 11th, 1941 at Kansas City, Mo.

In line with its avowed and announced policy to bring about a parity in freight rates by the removal of the discriminations which now exist in favor of Northern Territory, the Florida Railroad Commission has intervened in and been made a party to the above proceedings. Being alert to the importance of this case as it may affect the entire live stock industry of this State this Commission has had active representation at all formal hearings and informal conferences pertaining to the adjustment.

Rail carriers have failed, and still fail, to publish and maintain reasonable joint through rates, or any joint through rates for the movement of livestock, in carloads, from the South to destinations named in the complaint. We contend for the application of the Western level of livestock rates on shipments from the West to the South and from the West through the South to Official Territory as well as from the South to Official Territory and within the South, together with transit privileges accorded such movements West of the Mississippi river.

All southeastern states collectively employed Mr. H. D. Driscoll of Washington, D. C., to serve as chief counsel in the prosecution of the case before the Interstate Commerce Commission. He has presented a very forceful case and we are confident his able presentation will bring about the desired results.

This Commission desires to gratefully acknowledge the splendid co-operation in this proceeding extended by Hon. Henry A. Wallace, Secretary, U. S. Department of Agriculture, and to the valuable assistance rendered by Mr. Chas. B. Bowling, Chief, Transportation Section, and Mr. A. S. Johnson of the Livestock & Wool Unit.

We also wish to extend appreciation to the Hon. Nathan Mayo, Commissioner of Agriculture, and to the Hon. L. M. Rhodes, State Marketing Commissioner, for the able assistance of Mr. L. H. Lewis, Marketing Specialist, Live Stock and Field Crops of the Florida State Marketing Bureau. At the Atlanta hearing Mr. Lewis very forcibly brought to the attention of all participants the importance and magnitude of the Florida Livestock Industry.

WATERMELON LOADING RULES

Rail carriers operating in Southeastern Territory filed, through their Agent, J. J. Quinn, Supplement No. 21 to Freight Container Bureau Tariff No. 3, to become effective May 15, 1940, containing Loading Rule No. 238, providing a new, objectionable and burdensome rule governing the preparation of cars and loading of watermelons. At the request of growers and shippers the public service and railroad commission of certain southern states, and the U. S. Department of Agriculture, Transportation Section, petitioned the Interstate Commerce Commission for suspension, which was granted, and the matter set for hearing at Atlanta, Georgia, June 12, 1940, under I. C. C. Docket I & S No. 4785.

The hearing date set for June 12th was postponed, and there followed a series of conferences between the various commissions, growers, shippers and the carriers. From information received from numerous producers and shippers it appeared clearly evident that the protested rule would (1) substantially increase the cost of packing materials; (2) would necessitate employment of skilled labor instead of common labor in preparing the cars and installing the packing materials; and (3) would require closer supervision as to the matter of whether or not materials meet the minimum requirements of the protested rule and whether or not the manner of loading the melons is strictly in accordance with the rule.

At the conclusion of conferences the matter was reset for formal hearing on November 18, 1940, at Savannah, Georgia, before the Interstate Commerce Commission. Proceedings had barely got underway when Mr. Marshall L. Allison, Assistant Attorney General of the Georgia Public Service Commission was granted permission by the Examiner to make a statement setting forth salient facts developed at conferences held previous to final hearing date. After a short recess the hearing was resumed and a compromise rule was offered which proved agreeable to both carriers and shippers. Thereupon proceedings were discontinued.

Had it not been for watermelon shippers and co-operation of the official staff of the U. S. Department of Agriculture in offering such splendid aid to the various state commissions, efforts to dispose of the matter would not have been as satisfactory and fruitful. This Commission therefore wishes to publicly acknowledge the full co-operation in this proceeding extended by Mr. L. F. Pruvis, Fruit and Vegetable Section, Transportation Division, U. S. Department of Agriculture, and also to Mr. J. M. Campbell, President, Grower's Marketing Service, Leesburg, Florida, Mr. Claude Tindall, Graceville, Florida, and Mr. L. E. Holloway, Leesburg, Florida. These men are thoroughly versed in rates, rules and practices pertaining to the watermelon industry and

their aid has been of much value to Florida producers and shippers of melons.

REDUCED CLASSIFICATION RATINGS

Due to allegations made by Senators, Congressmen, traffic representatives of certain trade and shipper's organizations that the present less-than-carload merchandise rate adjustment did not meet present-day conditions, the rail carriers made a nation-wide survey, holding conferences with shippers and receivers throughout the country. Also discussed the handling of merchandise traffic with the local freight agents and railroad traffic representatives in the different sections. Following this nation-wide survey, a more intensive investigation was made by southern railroad, which disclosed:

(1) The railroads in Southern District handled in 1920 15,814,289 tons of less-than-carload merchandise traffic and in 1938 6,448,745 tons.

(2) That the uniform or horizontal percentage increases applied to both less-than-carload and carload rail rates increased the spread between the two units of shipment. The spread was accentuated by reductions in carload rates and ratings required by orders of state and interstate commissions or to meet truck, water or commercial competition without corresponding reductions in less-than-carload rates or ratings.

(3) That the influence of value in determining less-than-carload classification ratings without due regard to density had tended to increase the spread between less-than-carload and carload rates and ratings.

(4) That higher ratings on an article when in one package than another, although both were safe and satisfactory packages had the effect of increasing the spread between the carload and less-than-carload ratings.

(5) That value as an element in determining classification ratings must be largely disregarded and that the principle "what the traffic will bear" must be applied in such a manner as to determine rates that will move traffic freely rather than to ascertain the highest rate on which traffic could move.

(6) That the conditions set forth have served to circumscribe the area for distribution of less-than-carload merchandise traffic to the disadvantage of the shippers and railroads alike. Also in some instances tended to de-centralize industry.

To alleviate this condition Southern railroads reviewed the ratings in Southern Classification, item by item, and revised the less-than-carload

ratings so as to reflect a more reasonable spread between less-than-carload and carload ratings, a better relationship on articles in different packages, and articles of substantially the same density, where the element of value had influenced higher ratings on one than on the other.

There were approximately 9200 less-than-carload and any-quantity ratings in the classification, divided approximately as follows:

- 992 multiple ratings higher than first class.
- 2025 first class ratings.
- 2339 second class ratings.
- 2122 third class ratings.
- 1344 fourth class ratings.
- 189 fifth class ratings.
- 172 sixth class ratings.

The review resulted in changes in:

- 918 first class ratings,
- 1668 second class ratings,
- 687 third class ratings, and
- 246 ratings below third class.

Total 3519

These ratings were reduced as follows:

- 2424 reductions of one class or less.
- 976 reductions of more than one class, but not more than two classes.
- 119 reductions of more than two classes.

In determining the ratings to be reduced, light, bulky, hazardous, perishable, fragile, and articles of extreme value were not considered.

The less-than-carload ratings were, in many instances, reduced to be the same as the carload rating. Therefore, where the density of an article justified a reduction in the carload rating, it was reduced to reflect one class spread. This involved 220 reductions in carload ratings. No carload rating was reduced where the carload minimum was less than 20,000 pounds.

No reductions were made in the ratings on furniture, fresh fruits and vegetables and livestock as the rates on these commodities have been generally treated to meet present-day conditions.

Rail carriers stated these reductions were not made to meet truck competition. The common carrier trucks met the same reductions published currently with rail changes effective September 1, 1940. Rail carriers express the hope that these reductions would, to some extent, stop and prevent shippers and receivers doing their own trucking, which practice is growing rapidly.

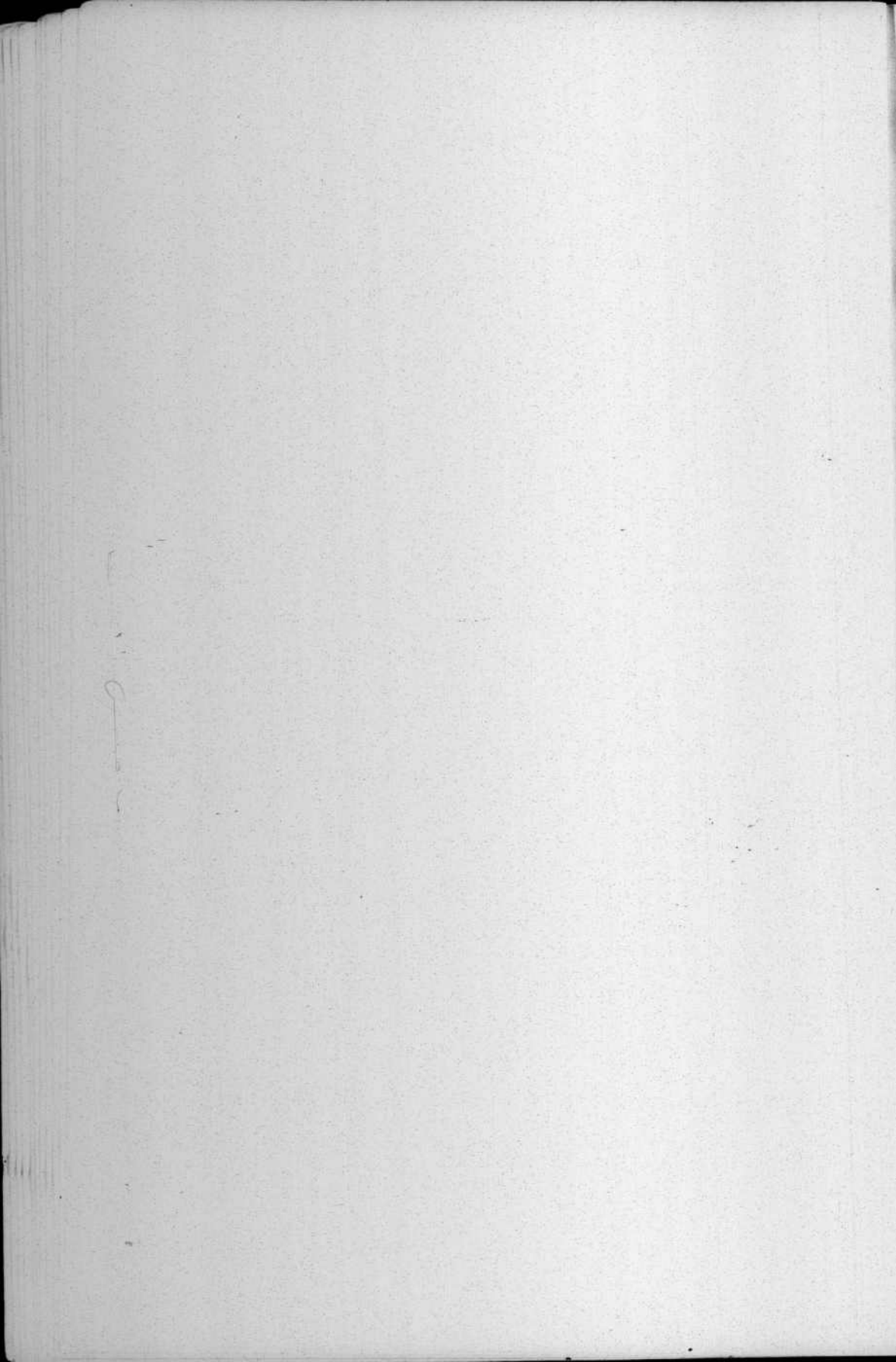
Common Carriers of Property by Motor Vehicle operating within the State of Florida, filed with this Commission on August 12, 1940, petition praying that we defer approval of the above mentioned reductions in so far as such reduced ratings applied to Intrastate Traffic within the State of Florida until a hearing could be had thereon as to the justification and reasonableness of the ratings in issue. A similar petition was filed with the Interstate Commerce Commission by the Southern Motor Carriers Rate Conference in behalf of practically all common carrier truck lines doing an interstate business in Southeastern Territory.

Thereupon, under date of August 26th, this Commission heard argument on the question of its jurisdiction and powers under the Statutes of the State of Florida as to the Intrastate Rates of Rail carriers operating within the State of Florida and to determine what action it should take in reference to rail reduced ratings and relief prayed for by petitioners. They definitely stated, however, that they did not desire these classification changes on intrastate traffic unless the Interstate Commerce Commission allowed them to become effective on interstate traffic. Thereupon, this Commission held no actions should be taken in respect thereto until the Interstate Commerce Commission had acted upon the petition filed with it.

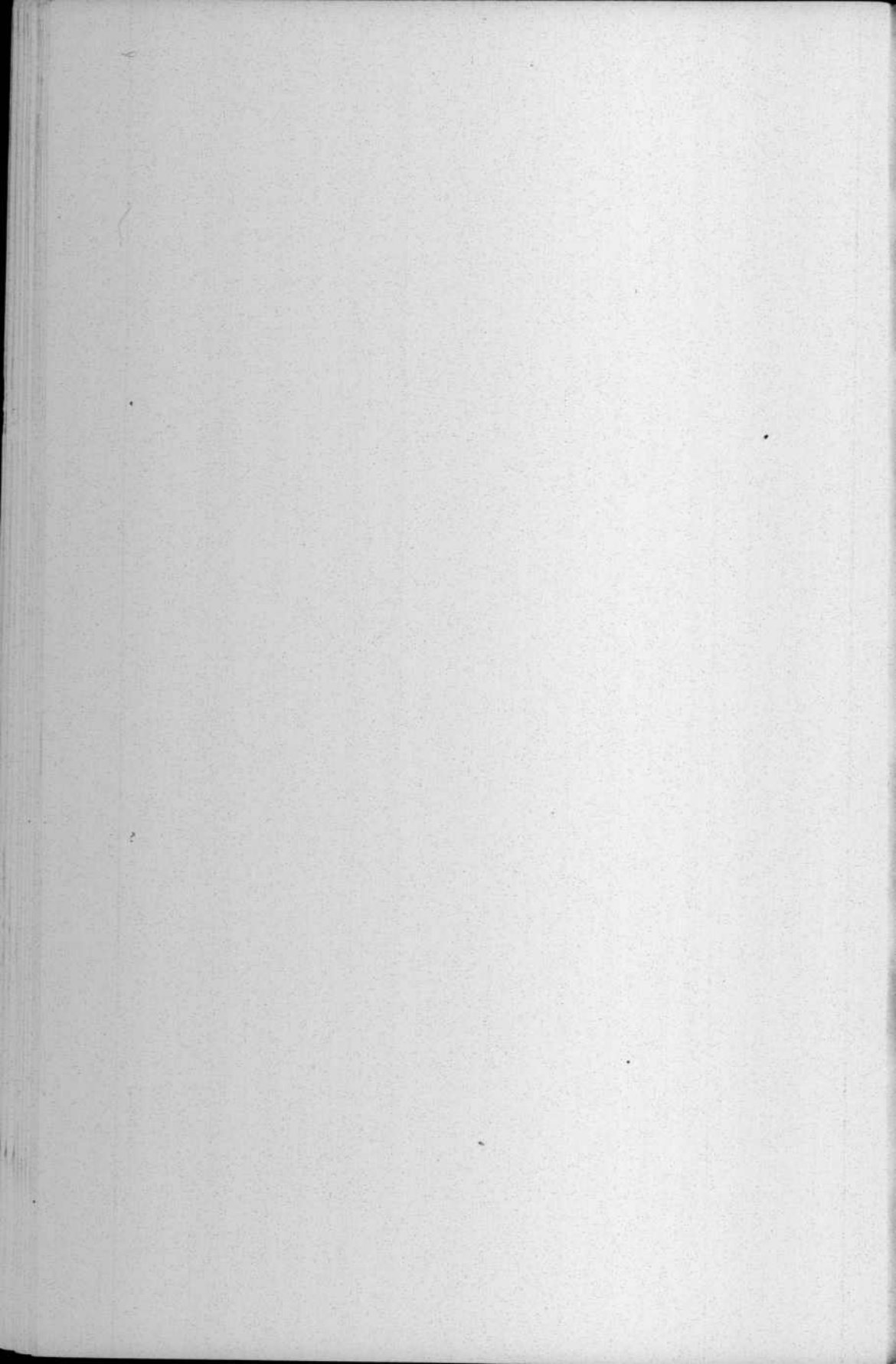
Under date of August 28th the Interstate Commerce Commission voted not to suspend the proposed reduced rail and motor classification ratings within the South, between the North and the South, and from points in western trunk-line territory to the South, filed to become effective September 1, 1940, and later. The I. C. C. further advised the reduced ratings will be subject to investigation by the Commission as to their lawfulness.

Pursuant to above the Interstate Commerce Commission under its Docket No. 28550 and Docket No. MC-C 210, called an informal conference at Atlanta, Georgia, with counsel for the respondents and interested persons who anticipate appearances at the hearings. The Commission's objective was to endeavor to develop more clearly what matters are in issue, and what particular phases of the general subjects designated in the orders of investigation shall be first explored. It desired to discuss informally the general character of factual matters which should be developed upon the record, and how such matters may best be shown. The conference commenced October 17th and continued through October 20th. In attendance throughout the conference the Florida Railroad Commission was represented by Mr. I. T. Williams, its Rate Expert.

Whereas the Interstate Commerce Commission refused to suspend the proposed reduced rail and motor classification ratings, in the interest of uniformity this Commission likewise refused to suspend intrastate application and approved same subject to such further proceedings as may be deemed advisable.



General Orders



ORDER NO. 1306,

DOCKET NO. 1419.

IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD COMPANY TO CLOSE ITS AGENCY AT LAKE HAMILTON, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 764 dated December 18, 1939, this matter came on for formal hearing before the Railroad Commission at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on January 11, 1940, at 10 o'clock A. M. Under resolution adopted by the Commission, Chairman Eugene S. Matthews was authorized to conduct this hearing, to take the testimony and make his report to the Commission.

E. B. Rush, Superintendent, appeared for the applicant.

J. R. Hunter represented Railway Express Agency, Inc.

No one appeared for the opposition.

The Railway Express Agency, Inc., also applied for authority to close its agency at Lake Hamilton in the event that the railroad was allowed to close this station because the railroad agent acted as agent for the Railway Express Agency.

2. Although ample notice was given of this hearing no one appeared in opposition to the application, and since most of the traffic is carload, which can be handled at Dundee which is 1.6 miles from Lake Hamilton, or at Haines City which is 5.3 miles from Lake Hamilton, at both of which places a year round agency is maintained, the Commission is of opinion that the testimony and record as reported by the Chairman indicates that there is no need for maintaining this agency.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Atlantic Coast Line Railroad Company and Railway Express Agency, Inc. to close their agencies at Lake Hamilton, Florida, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 19th day of January, 1940.

ORDER NO. 1307,

DOCKET NO. 1420.

**IN RE: APPLICATION OF TAVARES & GULF RAILROAD COMPANY
AND RAILWAY EXPRESS AGENCY, INC., TO CLOSE THE
AGENCY AT FERNDAL, FLORIDA.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 766 dated December 20, 1939, this application came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on January 11, 1940 at 10 o'clock A. M.

W. H. Edmunds, Superintendent and W. J. Owen, Attorney,
appeared for the applicant Tavares & Gulf Railroad.

J. R. Hunter appeared for Railway Express Agency, Inc.

No one appeared in opposition to the application.

2. By written resolution the Commission designated Chairman Eugene S. Matthews to hear this case and report to it. The testimony indicated that for the year ended August 1939 the total freight receipts for this office were \$167.63 which is an average of \$13.97 a month and there were no receipts whatsoever from passengers.

3. Due to the fact that the freight and passenger receipts are so small, and that no one appeared in opposition to this application, the Commission is of opinion from the record as made in this case and report of the Chairman that there is no public demand for this office to remain open.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Tavares & Gulf Railroad Company and Railway Express Agency, Inc., to close the agency at Ferndale, Florida, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 19th day of January 1940.

ORDER NO. 1308,

DOCKET NO. 1423.

IN RE: ESTABLISHING A TELEPHONE EXCHANGE AT FORT WALTON, FLORIDA, AND PRESCRIBING CERTAIN RATES TO BE CHARGED AT SUCH EXCHANGE BY SOUTHEASTERN TELEPHONE COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Southeastern Telephone Company filed its petition on January 25th, 1940 asking that it be authorized to convert its present system in use at Fort Walton, Florida, into a Common Battery Dial System and to charge the rates set out in said petition upon the institution of such dial system.

2. It appears from this petition that the telephone company is now operating several Magneto Rural Lines at Fort Walton, Florida, connected to the Valparaiso, Florida Exchange and that the citizens and patrons at Fort Walton and adjacent territory have petitioned the telephone company and the Railroad Commission to convert this system into a common battery dial or automatic system. It further appears from the petition signed in person by the citizens and patrons of the telephone service at Fort Walton that they have agreed to the schedule of rates set out in said petition and proposed to be charged by the telephone company.

3. The Railroad Commission has carefully examined the petition of Southeastern Telephone Company and of the citizens of Fort Walton, and is of opinion that a Common Battery Dial System should be established at Fort Walton for the convenience of the public and that since the citizens of this community have agreed to pay the rates it is unnecessary at this time to enter into a hearing as to the reasonableness of such rates.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Southeastern Telephone Company be and it is hereby directed to convert its telephone plant at Fort Walton, Florida, into a Common Battery Dial System.

It is further **ORDERED** that Original Sheet being the Base Area Map of Fort Walton, Florida, and First Sheet of the Local Exchange Tariff for Fort Walton, Florida, showing the rates and their application, copies of which are hereto attached and made a part of this order be and the same are hereby **APPROVED** to go into effect upon the first billing date after the telephone plant at Fort Walton, Florida, has been converted into a Common Battery Dial System.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of January 1940.

ORDER NO. 1309,

DOCKET NO. 1406.

IN THE MATTER OF APPLICATION NO. 181, OF J. G. KERR, CHAIRMAN, FOR AUTHORITY TO REVISE INTRA-TERMINAL AND INTER-TERMINAL SWITCHING CHARGES BETWEEN POINTS IN FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

Chairman J. G. Kerr, of the Southern Freight Association filed with this Commission his Application No. 181, dated May 10, 1938, on behalf of all Rail carriers in the State of Florida, seeking authority to publish the following rates on Intra-terminal and Inter-terminal Switching Charges:

	Per Car.
	\$8.80
Intra-terminal	
Inter-terminal	
where two lines are involved	<div> <div></div> <div> <div>Originating Line</div> <div>Delivering Line</div> </div> <div> <div>\$6.80</div> <div>6.05</div> </div> </div>
Where one or more intermediate lines are involved	<div> <div></div> <div>\$3.30 additional for each intermediate line.</div> </div>

The above proposed charges to be observed as minimum charges and no change is proposed where present charges exceed those proposed.

This Application was set down for formal hearing at Jacksonville, Florida on May 8th, 1939, and then and there appeared the following:

For Applicant: Richard B. Gwathmey, Wilmington, N. C.

For Protestants: Jos. H. Donnell, Tampa Traffic Bureau;

John A. O'Rourke, Port Authority, City of Miami, Fla.; Mr. Geo. W. Leyhe, for the Fertilizer Association; Mr. G. L. Moore, for Eppinger & Russell, Jacksonville, Fla.; Mr. J. H. Farish, for Association of Southern Cypress Manufacturers, Jacksonville, Fla., and Mr. F. C. Hillyer, of the Jacksonville, for the Commodores Point Terminal Company, Municipal Docks and Terminals, Jacksonville Warehousemen's Association and numerous other business and commercial interests of Jacksonville, Florida.

For the Commission: Hon. E. S. Matthews, Chairman; Hon. Jerry W. Carter and Hon. W. B. Douglass, Commissioners; Hon. Theo. T. Turnbull, Counsel, Mr. Fred Pettijohn, Accountant and Mr. J. H. Tench, Rate Expert.

The presentation of Applicant carrier's testimony was completed on the afternoon of May 9, 1939, at which time protestants asked for an adjourned hearing in order to digest the testimony of carrier's witnesses, particularly the statistical data introduced by witness Ormond.

This request was granted and the hearing was postponed to June 27, 1939, at Jacksonville, Florida.

There were further postponements, for good cause shown, and the hearing was finally resumed on July 31st, 1939, at the Mayflower Hotel, in Jacksonville, Florida. This hearing was concluded on August 2nd, 1939.

The Commission ordered that briefs be submitted by October 1st, 1939, and reply briefs by October 15, 1939.

Briefs and Reply Briefs have now been received. The Commissioners have studied these briefs and the testimony introduced in this proceeding.

And now, on this date, the Commissioners, having fully considered the evidence in this proceeding, and being fully advised in the premises, FIND as follows:

We find that the applicant carriers, parties to Chairman J. G. Kerr's Florida Intrastate Application No. 181 have not justified their proposal to revise Intra-terminal and Inter-terminal switching charges in Florida.

It is therefore ORDERED that Chairman Kerr's Florida Intrastate Application No. 181, asking for authority to revise Inter and Intra-terminal switching charges in the State of Florida be NOT APPROVED, and that this proceeding be, and it is hereby discontinued.

DONE and ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida, this 29th day of February, 1940.

ORDER NO. 1310,

DOCKET NO. 1429.

IN RE: APPLICATION OF INTER COUNTY TELEPHONE & TELEGRAPH COMPANY FOR AUTHORITY TO OPERATE AN AUTOMATIC SWITCHBOARD AT INDIANTOWN, FLORIDA, UNDER CERTAIN PROPOSED RATES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

The Seaboard Air Line Railway Company is developing certain acreage of land around Indiantown, Florida, and desires telephone connection from Indiantown, and to accomplish this purpose have strung a copper circuit from Indiantown into the exchange at Okeechobee, Florida, and has installed an automatic switchboard at Indiantown, and has asked the Inter County Telephone & Telegraph Company to maintain and operate this telephone extension.

The telephone company has agreed to do this upon authority of the Railroad Commission and has proposed certain local rates for connection with the Automatic Exchange at Indiantown, Florida, within the Base Rate Area.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that application for authority to operate a non-attended Automatic Exchange at Indiantown, Florida, be and the same is hereby **APPROVED**.

It is further **ORDERED** that the telephone company be and it is authorized to charge the following rates within the Base Rate Area comprising a distance of three- quarters of a mile, air line, from the switchboard:

Business 1-Party \$4.00
Business 4-Party 3.00

Residence 1-Party \$3.00
Residence 4-Party 2.50

**BEYOND BASE RATE AREA AND WITHIN SIX MILES
OF CENTRAL OFFICE, RURAL 8-PARTY LINE**

Business \$4.00
Residence 3.00

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, this 2d day of March 1940.

ORDER NO. 1311,

DOCKET NO. 1424.

IN RE: COMPLAINT OF SUBSCRIBERS TO TELEPHONE SERVICE
ON THE EUCHEEANNA-DEFUNIAK SPRINGS TELEPHONE LINE
AGAINST SOUTHEASTERN TELEPHONE COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 769 dated January 19, 1940 this matter came on for hearing before the Railroad Commission of the State of Florida at the County Court House, DeFuniak Springs, Florida, on January 31, 1940 at 10 o'clock A. M.

W. F. Green and A. G. Campbell, Jr., attorneys, appeared for complainants.

W. J. Oven appeared for the respondent, Southeastern Telephone Company.

2. The Eucheeanna Telephone Line is served from the DeFuniak Springs Exchange of the Southeastern Telephone Company. This line is located on a graded unpaved county road and runs in a south-easterly direction from DeFuniak Springs. The line is constructed of one No. 12 iron wire using a ground return, and the total length of the line is 7.58 miles from the city limits of DeFuniak Springs. On or about September 1939 service over this line was abandoned. Efforts were made by citizens of Walton County and former subscribers to telephone service along this line to induce the Southeastern Telephone Company to repair the line and give service over it. The telephone company was in doubt as to the ownership of the line and made certain offers to the citizens to assist them in repairing the line in order that the telephone company might give service out of its exchange at DeFuniak Springs. Nothing was accomplished at these conferences and finally complaint was made to the Railroad Commission and it set the matter down for hearing at DeFuniak Springs as above mentioned. On the date of the hearing the respondent telephone company filed its answer to the complaint in which it set up the history of these conferences and also claimed that neither the respondent, nor its predecessor in title, so far as it can learn, ever had any deeds or rights-of-way or easements of any kind to use and occupy the lands over and upon which said Eucheeanna line is placed.

3. Testimony was adduced at the hearing by complaints to show that during the time that the DeFuniak Springs Exchange was operated by the DeFuniak Springs Telephone Company, owned and operated by J. A. Vaughn, the Eucheeanna line was a part of this exchange. That it was kept in repair and the telephone charges were paid by the sub-

scribers living on this line to the DeFuniak Springs Telephone Company. That no part of the repairs were ever paid by any of the subscribers except in certain instances where the subscribers lived some distance away from the main line the subscribers furnished the poles and Mr. Vaughn through his operatives strung the wires and kept up the line. That on or about 1928 this telephone exchange was purchased by the Southeastern Telephone Company of America, the predecessor of the Southeastern Telephone Company, and later was sold to the present owner, Southeastern Telephone Company, a Florida corporation; and from 1928 until on or about September 1939 the subscribers on the Eucheeanna line paid their bills for telephone service to the representatives of the Southeastern Telephone Company or its predecessor the Southeastern Telephone Company of America. That at one time there was as many as thirteen subscribers on this line and that this community has built up considerably since that time, and that if the line was restored that at least eight or ten subscribers and probably more would take the service and pay the rates which have been approved by this Commission of \$1.50 per month.

4. The Commission has carefully considered the complaint, the answer of the telephone company and the record compiled in this case and finds:

- (a) On or about 1928 Southeastern Telephone Company of America purchased the DeFuniak Springs Telephone Company, including the Eucheeanna-DeFuniak Springs rural line.
- (b) That Southeastern Telephone Company of America conveyed this property to the present owner, Southeastern Telephone Company, a Florida corporation, and that Southeastern Telephone Company is now the owner of this property and has right, title and easement to the Eucheeanna-DeFuniak Springs rural line.
- (c) That it is its duty to restore service over such line.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Southeastern Telephone Company immediately rebuild the Eucheeanna-DeFuniak Springs rural line along approximately the same route that it now runs, and that it restore service over such line and furnish service to subscribers at the same rates formerly approved by this Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 13th day of March 1940.

ORDER NO. 1312,

DOCKET NO. 1430.

IN RE: COMPLAINT OF CITIZENS AND RESIDENTS OF PUTNAM COUNTY, FLORIDA RESIDING ON THE EAST SIDE OF THE ST. JOHNS RIVER BETWEEN HASTINGS AND PALATKA, FLORIDA, AS TO TELEPHONE SERVICE.

THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

—to—

SOUTHERN BELL TELEPHONE & TELEGRAPH COMPANY

WHEREAS, complaint has been made to this Commission by certain citizens of Putnam County, Florida, residing on the East side of the St. Johns River between Hastings and Palatka, Florida, in the Orange Mills section of Putnam County, that the telephone service now being furnished them is inadequate to their requirements as their interests are solely in Palatka, Florida, and

WHEREAS, these complainants receive service out of the Hastings Exchange and it is necessary for them to pay a toll of from 10c to 15c per call to reach Palatka, and

WHEREAS, Southern Bell Telephone & Telegraph Company owns the Palatka Exchange and could serve these complainants by extending its line into this territory:

Therefore you, SOUTHERN BELL TELEPHONE & TELEGRAPH COMPANY are hereby required to SHOW CAUSE, if any you have, before this Commission at the County Court House, Palatka, Florida, on the 29th day of March 1940 at 10 o'clock A. M. why you should not extend your line into the Orange Mills section of Putnam County and furnish Rural Line service to this community and those residents of Putnam County residing on the East side of the St. Johns River between Hastings and Palatka, Florida.

And at said time and place you and all other parties interested will have an opportunity to be fully heard.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 15th day of March 1940.

ORDER NO. 1313,

DOCKET NO. 1394.

IN RE: COMPLAINT OF THE TOWN COUNCIL OF KEYSTONE HEIGHTS, FLORIDA, AS TO TELEPHONE SERVICE FURNISHED BY HAMPTON TELEPHONE COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 755 dated May 23, 1939 the complaint of the Mayor and Town Council of Keystone Heights as to inadequate telephone service of Hampton Telephone Company came on for hearing before the Railroad Commission at the Woman's Club, Keystone Heights, Florida, on June 5, 1939. The Southern Bell Telephone & Telegraph company was made a party to these proceedings and notice of the hearing was served upon it.

L. K. Walrath of the firm of Knight and Knight of Jacksonville, Florida, G. E. Wiggins, Mayor, George C. Sutton, Chairman of City Council, represented the town of Keystone Heights.

J. A. Bayless and P. B. Huff represented Levi Nagle doing business as Hampton Telephone Company.

A. B. Dooley, State Manager, J. C. Buchanan, District Manager and M. L. Barr, Commercial Engineer, represented the Southern Bell Telephone & Telegraph Company.

2. The Hampton Telephone Company is owned by Levi Nagle who purchased this company sometime in 1930. Keystone Heights is served by a line running from the Hampton Exchange. This line is approximately nine miles long. There are also four subscribers on a line from Hampton to Graham, a distance of practically six miles, and two subscribers in Hampton; four subscribers near the road between Hampton and Theresa and approximately thirteen subscribers on the line in and near Keystone Heights. The record shows that the Hampton Telephone Company does not own a modern switchboard and that connections are made by means of Magneto Wall type telephones with several line jacks mounted in holes in the front of these telephones and three pairs of cords fastened to the shelves of these old telephone. For line signals there are several other large Magneto Wall telephones mounted high up on the walls of the room. When a subscriber rings for the operator one of these old telephones ring and the operator must continue to plug in the jack until the party is located and the call completed. The testimony also indicates that the number of subscribers in Hampton and also on the line from Hampton to Keystone Heights has steadily decreased, and there seems no prospect of any

increase in the number of subscribers so long as the service remains as it is. There were a number of subscribers who testified as to the inadequacy of the service and the difficulty in getting calls through. There was further testimony that if the service was improved that it would not be difficult to increase the number of subscriber stations.

3. This Commission has repeatedly urged the Hampton Telephone Company to make such repairs on this line as will enable it to furnish better service. It has twice had its Assistant Telephone Engineer make a survey of the telephone plant and make suggestions as to what repairs are necessary to be made to enable the company to give efficient telephone service. These reports have been available to the manager and owner of the telephone company but he has failed and refused or been unable to make the necessary repairs.

4. The record further shows that the Southern Bell Telephone & Telegraph Company owns a line running through Melrose and another line running through Waldo, and could, without much trouble or inconvenience, furnish service to Keystone Heights provided a sufficient number of subscribers could be obtained to warrant the necessary expense of running its line through Keystone Heights and vicinity.

5. The Commission has carefully considered the record and all matters connected with this proceeding and finds that the equipment, facilities and service of Hampton Telephone Company is inadequate, inefficient, improper and insufficient. Past experience with this telephone company, and the necessity for adequate service to the subscribers, seem now to demand that some action be taken.

6. It is further of opinion that since the Hampton Telephone Company has failed and refused to furnish adequate service that the Southern Bell Telephone & Telegraph Company should be authorized and directed to provide such service.

WHEREFORE, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the Southern Bell Telephone & Telegraph Company be and it is hereby authorized and directed to extend its line into Keystone Heights and to furnish adequate service to the subscribers in Keystone Heights and vicinity.

It is further ORDERED that the Southern Bell Telephone & Telegraph Company shall within a reasonable time report to this commission the kind of service it proposes to furnish and the conditions under which such service will be provided.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 14th day of March 1940.

ORDER NO. 1314,

DOCKETS NOS. 1085 and 1428.

IN RE: APPLICATION OF APALACHICOLA NORTHERN RAILROAD COMPANY FOR AUTHORITY TO INCREASE ITS RATES ON PULPWOOD, C. L. BETWEEN POINTS ON ITS LINE AND ON TRAFFIC RECEIVED FROM CONNECTING LINES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 768 dated January 22, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, beginning at 10 o'clock A. M. on Wednesday, February 14th, 1940, and continuing on Thursday, February 15, 1940.

H. P. Adair, Jacksonville, Florida, Edward Ball, Jacksonville, Florida, A. R. Yarborough of Charleston, West Virginia, and Port St. Joe, Florida, appeared for the applicant.

Raymond D. Knight and L. K. Walrath of the firm of Knight & Knight, Jacksonville, Florida, Murray Smith, Wm. W. Collin, Jr., of Pittsburgh, Pennsylvania and F. F. Kator of Dayton, Ohio, represented the protestants.

T. C. Mauer, represented the National Container Corporation, Jacksonville, Florida, Intervener.

2. The Apalachicola Northern Railroad Company of Port St. Joe, Florida, on January 10, 1940, filed its application with this Commission to increase its present rates on pulpwood, carload minimum 10 units of 160 cubic feet, from all stations on its line to Port St. Joe, Florida. Such scale of rates to apply both locally and when from beyond. It also asked relief from the provisions of Rule 19 of the Florida Classification which affects the method of constructing joint rates. The scale proposed is the Roanoke Rapids Scale plus the 10% increase allowed by this Commission in its Order No. 1248, Docket No. 1308. The present rates on pulpwood were first established by the applicant from its stations to Port St. Joe, Florida, on or about October 1, 1937. The rate was then 94c per unit of 160 cubic feet, blanketed over its entire line. This 94c rate remained in effect until June 15, 1938 when under authority of this Commission by Order No. 1248, Docket No. 1308, it was increased 10%, and this is the rate that is now in effect.

3. The applicant, Apalachicola Northern Railroad Company, is a single line railroad operating between River Junction, Florida, and Port St. Joe, Florida, a distance of ninety-six miles. It serves the plant of the St. Joe Paper Company which is engaged in the manufacture of wood pulp board and operated at Port St. Joe, Florida. It also connects

at River Junction with the Seaboard Air Line Railway, Atlantic Coast Line Railroad and Louisville & Nashville Railroad. The capital stock of St. Joe Paper Company is owned 50% by the interests represented by the protestants, Mead Corporation, and 50% by the interests who represent the applicant, and who also own 100% of the capital stock of the applicant.

4. Testimony was introduced in this proceeding to show that the transportation of pulpwood constituted the greater part of freight traffic of the applicant. The evidence indicates that for the year 1938 pulpwood represented percentages of the total traffic as follows:

Carload	65.33%
Tons	77.97%
Ton Miles	79.56%
Revenue	35.81%

For the year 1939 pulpwood represented percentages of total traffic as follows:

Carload	62.9%
Tons	75.8%
Ton Miles	77.4%
Revenue	38.2%

It also shows that the average revenue per car on pulpwood for 1938 was \$12.92 and on all other freight was \$43.54 per car. In the year 1939 the average revenue on pulpwood per car was \$13.07 and on other freight \$40.60. It was also shown for the period from January 1, 1938 to December 31, 1939 inclusive, the applicant sustained a loss in the transportation of pulpwood of \$96,000.00. The applicant contends that in order to permit it to continue to operate and furnish adequate transportation service it is necessary that it be permitted to increase its rates on its principal traffic, that is pulpwood.

5. The principal witness for the protestants agreed that the scale proposed by the applicant is a reasonable and proper scale for application to the transportation of pulpwood locally on the line of the applicant, except that a qualification should be made by making the local rate from River Junction to Port St. Joe \$2.00 instead of \$2.13 per unit. In all other respects he approved the proposed rates. The commission is of opinion that there is no justification for such variation in the scale of rates.

6. The Commission has carefully considered the record and the briefs filed in this proceeding and is of opinion that the application of the Apalachicola Northern Railroad Company to increase its rates on pulpwood should be granted.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the Apalachicola Northern Railroad Company be and it is hereby authorized to establish the proposed rates as shown on its Exhibit No. 1, attached to its application, such scale known as the Roanoke Rapids Scale of Rates as local rates for the transportation of pulpwood, carload minimum 10 units of 160 cubic feet per unit, excess in proportion, from points on its line to Port St. Joe, Florida, and as proportional rates from points beyond its line, and when it has so established such rates they shall not be subject to Rule 19, Florida Classification, providing for deductions in constructing joint line rates but may be applied, charged and collected without deductions for the transportation of pulpwood over the line of the applicant, Apalachicola Northern Railroad Company, to shipments originating beyond the line of the Apalachicola Northern Railroad Company to Port St. Joe Florida.

It is further **ORDERED** that the applicant be and it is directed to immediately file its tariff showing such rates and their application with this Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of March 1940.

ORDER NO. 1315,

DOCKET NO. 1417.

IN RE: APPLICATION OF FLORIDA EAST COAST RAILWAY COMPANY AND SEABOARD AIR LINE RAILWAY AND COMMON CARRIER MOTOR FREIGHT LINES, FOR AUTHORITY TO REVISE THE PRESENT WATER COMPETITIVE CLASS AND COMMODITY RATES BETWEEN JACKSONVILLE, FLORIDA, ON THE ONE HAND, AND MIAMI, WEST PALM BEACH, FORT PIERCE, DANIA, FORT LAUDERDALE AND HOLLYWOOD, FLORIDA, ON THE OTHER HAND.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 763 dated December 6, 1939, these matters came on for hearing before the Railroad Commission of the State of Florida at the Dade County Court House, Miami, Florida, on Tuesday, January 2, 1940, at 10 o'clock A. M.

APPEARANCES:

R. K. Parsons for Florida East Coast Railway; H. P. Toxey for Seaboard Air Line Railway; E. B. Wright for Bull Steamship Line, Clyde Mallory Line and Merchants & Miners Transpor-

tation Company; R. J. Bowden for Florida Rate Bureau; G. M. Brunson for Great Southern Trucking Company; W. T. Wolfe for L. & L. Freight Lines; F. C. Hillyer and T. C. Maurer for Jacksonville Traffic Bureau, Jacksonville Warehousemen's Association and Wholesale Grocers of Jacksonville John A. O'Rourke for City of Miami; J. H. Donnell for Tampa Chamber of Commerce and Tampa Traffic Association; R. W. Parker for Merchants & Miners Transportation Company; A. C. Spires and L. F. Hollums; G. W. Bartlett for Clyde-Mallory Line.

2. On March 24, 1939, the Florida East Coast Railway through its Receivers, and Seaboard Air Line Railway through its Receivers, filed a petition with this Commission for authority to make certain changes as set forth in their Exhibit No. 1, attached to the petition, in the rates on Classes and Commodities applicable via all rail routes between Jacksonville, Florida, and certain East Coast Port Cities named therein. This matter was first set down for hearing in Jacksonville, Florida, on May 8, 1939, but for good cause shown was canceled to be further set at a date to be fixed by the Commission. In the meantime by Intrastate Application No. 6, the Florida Intrastate Rate Bureau on behalf of interested common carrier truck lines serving this territory, asked that the common carrier truck lines be authorized to make the same revision of truck rates that might be authorized for the rail carriers. This matter has been heard as mentioned above.

3. The rates of the rail lines which they sought to be changed are on a depressed basis for the purpose of meeting all-water competition. By the petition the rail lines alleged that the water lines proposed to make a like revision with a uniform differential relationship between the two and by this means a stabilization of both rail and water rates would be brought about. Jacksonville, Traffic Bureau and City of Miami while not objecting to the proposal as a whole did point out certain adjustments to which they had objection.

4. A representative of the Bull Steamship Line who appeared also in behalf of the Merchants & Miners Transportation Company and Clyde-Mallory Line, water carriers in the trade between Jacksonville, Florida, on the one hand, Fort Pierce, Palm Beach and Miami, Florida, on the other hand, and engaged in intrastate commerce, testified as to the unhealthy condition which exists in the transportation business between Jacksonville, Florida, and lower East Coast Port Cities. He further testified that it was the desire of all common carrier agencies engaged in the handling of freight traffic between Jacksonville and lower East Coast Port cities to stabilize the rate structure of Class Rates and of certain Commodity Rates, and this desire culminated in the filing of the petition herein described. This witness seemed very eager to see the unfortunate, unhealthy and undesirable rate situation stabilized for

the account of all concerned, and stated that the steamship lines had entered into a definite understanding with other common carrier interests which resulted in the proposal now before the Commission. Upon cross examination, however, this witness for the water lines stated that he was not making his proposal to this Commission for their action and approval as it was his informed opinion that the water lines were not subject to the jurisdiction of the Florida Railroad Commission. He further stated that it was the intention of the water lines to publish these rates and that they would abide by the published rates and would not change them without due notice to other carriers.

5. The Commission has carefully considered the record and the exhibits offered in this proceeding and are of opinion that there are certain maladjustments in these rates which probably should be corrected. However, the Commission is further of opinion that no stabilization of these rates can be brought about since the water lines serving this territory have failed and refused to file their rates with and acknowledge jurisdiction of this Commission over their intrastate operations between Jacksonville and these East Coast Port cities, and through their representative have stated on the record that the adjustment which they proposed would be subject to change at any time without notice to this Commission. The Commission is advised and believes that the operation of the water lines between Jacksonville, Florida, and these Florida East Coast port cities is an operation in intrastate commerce, and subject to the jurisdiction of this Commission, and before a stable adjustment of these rates can be made it will be necessary to determine this question of jurisdiction.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Florida East Coast Railway, Seaboard Air Line Railway and the Intrastate Application No. 6 of the Florida Intrastate Rate Bureau, in behalf of interested common carrier truck lines, for authority to revise the present water competitive Class and Commodity Rates between Jacksonville, Florida, and Florida East Coast port cities, be and the same are hereby **DISMISSED**, without prejudice however, to a reopening and a reconsideration of these proceedings when and if it becomes apparent that such rate adjustments will bring about a stabilization of both rail and water rates.

It is further **ORDERED** that jurisdiction of this proceeding be retained, and that this docket be left open for such other and further orders as the Commission may see fit to make therein.

DONE AND ORDERED by the railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 27th day of March 1940.

ORDER NO. 1316,

DOCKET NO. 1432.

IN RE: APPLICATION OF INTER COUNTY TELEPHONE & TELEGRAPH COMPANY TO CONVERT ITS PRESENT MAGNETO SYSTEM AT OKEECHOBEE, FLORIDA, INTO A COMMON BATTERY SYSTEM, AND TO INCREASE THE BUSINESS RATES FOR LOCAL TELEPHONE SERVICE 25c PER MONTH UPON COMPLETION OF SAID CONVERSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This matter coming on for consideration before the Commission on the petition of Inter County Telephone & Telegraph Company for authority to convert its present Magneto System at Okeechobee, Florida, into a Common Battery System, and to increase its business rates for local telephone service 25c per month, and it appearing that a petition has been presented to this Commission signed by every business telephone subscriber in Okeechobee asking that this change be allowed and signifying their willingness to pay the increased rate of 25c per month upon the conversion of said system from Magneto to Common Battery.

The Commission has carefully considered this petition and is of opinion that the same should be granted.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the petition of Inter County Telephone & Telegraph Company, a Florida corporation, for authority to convert its present Magneto system at Okeechobee, Florida, into a common battery system, be and the same is hereby APPROVED.

It is further ORDERED that Inter County Telephone & Telegraph Company be and it is hereby granted the right to increase the business rates for Local Exchange Service at Okeechobee 25c per month and that the following rates shall be and become effective upon the first billing date subsequent to the conversion of this exchange from a Magneto System into a Common Battery System:

Business 1-Party	\$4.00
Residence 1-Party	2.50
Residence 4-Party	2.00

BEYOND BASE RATE AREA AND WITHIN SIX MILES
OF CENTRAL OFFICE:

Business	\$4.00
Residence	3.00

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of May 1940.

ORDER NO. 1317,

DOCKET NO. 1425.

IN RE: APPLICATION OF WESTERN UNION TELEGRAPH COMPANY FOR AUTHORITY TO CHANGE ITS METHOD OF OPERATION AT DUNNELLON, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 770 dated January 30, 1940, this matter came on for formal hearing before the Railroad Commission at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on Wednesday, February 21, 1940 at 10:00 A. M.

F. E. Frazier appeared for Western Union Telegraph Company.

Dr. Ernest Molnar, Dr. B. S. Stutts and C. B. Robertson represented the town of Dunnellon, Florida.

2. The Western Union Telegraph Company now operates its office at the south end of the main street of Dunnellon in a building owned by the Atlantic Coast Line Railroad Company. It operates in this office what is known as a 11-B Teleprinter. It proposes by this application to move its office from its present location and operate it in the Wise Drug Store which is located nearer the center of the business district. The purpose of moving the office is to save expenses of an agent and other operating costs. The witness for the telegraph company claimed that the move would result in convenience to the public in that it would be enabled to furnish longer office hours and a more convenient location. This witness further testified that the method of operation would be identical and that the telephone company would save on expenses and hoped to increase the revenue of the office which was badly needed. He further testified that the company had made ten similar changes of offices in Florida during the past two years and that in every instance the public was thoroughly satisfied with the service rendered. The main objection to the change seemed to be that there would be less secrecy in handling of telegrams in a drug store than in a private office operated by the company. The Telegraph Company, however, testified that there would be the same degree of secrecy in the new office and that while this complaint had been made with reference to the ten other offices that had been changed it had received no complaint that the contents of messages had been divulged.

3. From the record in this case the Commission is of opinion that the change would result in convenience to the public and a saving to the company and should be granted.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Western Union Telegraph Company to change its method of operation at Dunnellon, Florida, from an independent office to an agency operated in the Wise Drug Store, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of May 1940.

ORDER NO. 1318,

DOCKET NO. 1434.

IN RE: COMPLAINT OF FLORIDA GRAVEL COMPANY OF CHATTAHOOCHEE, FLORIDA, AGAINST THE SEABOARD AIR LINE RAILWAY COMPANY FOR REFUSAL OF THE RAIL LINE TO ESTABLISH A WATER COMPETITIVE RATE OF 135 CENTS PER TON ON GRAVEL FROM CHATTAHOOCHEE, FLORIDA, TO SULPHUR SPRINGS AND TAMPA, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 772 dated May 13, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on May 29, 1940. The following appeared:

C. F. Mullen, resident of Florida Gravel Company, Complainant; B. F. Barnes, Attorney for complaint.

F. E. Harrison, Traffic Manager, State Road Department, appearing on behalf of State Road Department.

J. A. Kane, Commerce Agent, Seaboard Air Line Railway, appearing for Seaboard Air Line Railway.

2. On May 4th, 1940 the Florida Gravel Company filed a complaint with this Commission against the Receivers of Seaboard Air Line Railway Company for refusal of the railroad to make certain rate reductions permissible under Rule No. 2 of the Rules of this Commission governing the transportation of freight. The complainant requested that the railroad be required to publish a rate of 135 cents per net ton of 2,000 pounds for gravel from Chattahoochee, Florida to Tampa and Sulphur Springs, Florida. The present rate is 190 cents. The testimony shows that the rail lines were recently permitted at their request to reduce the rates on crushed stone to 125 cents on shipments from Brooksville, Conrock, Gay and Camp, Florida, to Fort Lauderdale and South Bay, Florida. The previous rates between the last named points were

180 cents from Brooksville, Camp, Conrock and Gay to Fort Lauderdale; 150 cents from Camp and Conrock to South Bay and 160 cents from Brooksville and Gay to South Bay.

3. It is the contention of the complainant that the competitive conditions which influenced the railroads to request a reduction in the crushed stone rates between Brooksville and the other points named, which are near Brooksville, to Fort Lauderdale and South Bay, and which were approved by this Commission, are similar to the competitive conditions surrounding the proposed movement of gravel from Chattahoochee River to Tampa and Sulphur Springs. It was shown that gravel and crushed stone are competitive products and used in the building industry for substantially the same purposes. The reduction in the rate on crushed stone from the Brooksville area to the lower East Coast points named was made in order to meet water competitive rates from points such as Philadelphia on the North Atlantic Seaboard and Ojus in the Miami district. The complainant showed that there is a housing project being constructed between Tampa and Sulphur Springs, Florida, which will use approximately 15,000 tons of gravel or crushed stone. The testimony shows that 5,000 tons of the gravel to be used on this job is being brought in by ocean borne boats from Philadelphia to Tampa, and that this complainant would have received this business had the proposed rate reduction been in effect. Complainant further showed clearly that it would receive the order for the balance of the 10,000 tons of gravel to be used on this project in the event the proposed rate reduction is made effective in the near future. In the event the proposed reduction is not made it was clearly shown that the balance of the 10,000 tons of gravel would be ordered and shipped from Philadelphia and Atlantic Seaboard points.

4. The pertinent part of Freight Rule No. 2, reads as follows:

"The schedule of rates allowed and adopted by the Railroad Commissioners for each road are maximum rates, which shall not be transcended. They may, however, carry at less than the rates allowed and adopted, provided that if they carry for less for one person they shall, for the like service, under similar circumstances and conditions, carry for the same lessened rates for all persons except as mentioned hereafter; and if they adopt less freight rates for one station they shall make a reduction of the same percent at all stations along the line of road, so as to make no unjust discriminations as against any person or locality."

The Commission finds that the traffic competitive conditions which influenced the rail lines to propose and this Commission to approve the rate reductions on crushed stone from the Brooksville area to the Fort Lauderdale area are similar circumstances and conditions to those

affecting the movement of gravel from Chattahoochee River to the Tampa area. The railroad contends that this Commission cannot require it to make a rate reduction under these circumstances, but that the matter is one for the management of the railroad to determine for itself and to put into effect the approval of this Commission. We do not construe our rate making authority to be so limited. The testimony here shows that the car mile earnings of the railroads on the reduced rate from the Brooksville area to the Fort Lauderdale area is approximately the same as will be the per car mile earnings under the proposed rate from Chattahoochee River to Tampa. Since this is true, and the traffic competitive conditions in both cases as similar, this Commission can see no justification for the refusal of the railroad to publish comparative rates in both cases. The amount of the proposed reduction is 55c, the same as the reduction made from Brooksville to Fort Lauderdale—the reduction in percent being less from Chattahoochee to Tampa.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the Receivers of the Seaboard Air Line Railway Company shall within ten (10) days from the date of this order publish and put into effect a rate of 135 cents per ton of 2,000 pounds on gravel, uncrushed, carload, minimum weight 90% of marked capacity of the car in which loaded, except that when car is loaded to full visible capacity, actual weight will govern, from Chattahoochee River, Florida, to Tampa, Florida, and Sulphur Springs, Florida, and relief is hereby granted from the Florida Long and Short Haul Law.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 7th day of June 1940.

CITATION

ORDER NO. 1319,

DOCKET NO. 1437.

**IN RE: COMPLAINT AGAINST LEVI M. NAGLE FOR FAILURE TO
FILE ANNUAL REPORTS OF WEST PUTNAM TELEPHONE COM-
PANY AND HAMPTON TELEPHONE COMPANY.
BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA**

WHEREAS, Section 6374 of the Compiled General Laws of Florida 1927 requires all telephone companies to file their Annual Reports within three months after the close of the year, and

WHEREAS, Levi M. Nagle as operator and owner of West Putnam Telephone Company and Hampton Telephone Company has failed to

file the reports for said companies for the year 1939, although he has been repeatedly requested so to do:

Therefore you, Levi M. Nagle, as owner and operator of West Putnam Telephone Company and Hampton Telephone Company, TAKE NOTICE that the Railroad Commission of the State of Florida charges you with violation of the law and the rules of this Commission for failure to file the Annual Reports of your companies for the year 1939.

And further TAKE NOTICE that on Tuesday, JUNE 18, 1940, at 10 o'clock A. M. the Railroad Commission of the State of Florida will be in session at its HEARING ROOM, SUPREME COURT BUILDING, TALLAHASSEE, Florida, to hear, consider and determine whether you are guilty as charged, and if found guilty to then and there consider what penalties should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charge.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 31st day of May 1940.

ORDER NO. 1320,

DOCKET NO. 1434.

IN RE: COMPLAINT OF FLORIDA GRAVEL COMPANY OF CHATTAHOOCHEE, FLORIDA, AGAINST THE SEABOARD AIR LINE RAILWAY COMPANY FOR REFUSAL OF THE RAIL LINE TO ESTABLISH A WATER COMPETITIVE RATE OF 135 CENTS PER TON ON GRAVEL FROM CHATTAHOOCHEE, FLORIDA, TO SULPHUR SPRINGS AND TAMPA, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1318 dated June 7, 1940, this Commission required that the receivers of the Seaboard Air Line Railway Company

"shall within ten (10) days from the date of this order publish and put into effect a rate of 135 cents per ton of 2,000 pounds on gravel, uncrushed, carload, minimum weight 90% of marked capacity of the car in which loaded, except that when car is loaded to full visible capacity, actual weight will govern, from Chattahoochee River, Florida, to Tampa, Florida, and Sulphur Springs, Florida, and relief is hereby granted from the Florida Long and Short Haul Law."

2. The Florida Crushed Stone Company, through its President, E. F. Fitch, contends that the reduction of the rates on gravel from Chat-

tahoochee River to Tampa and Sulphur Springs, with no corresponding change from Conrock and Gay to same destinations, creates unjust discrimination and petitioned this Commission to stay the effective date of Order No. 1318 and to re-open this proceeding for further hearing.

3. The Commission has considered this matter and is of the opinion that this proceeding should be re-opened for further hearing and that the effective date of Order No. 1318 should be stayed until its further order.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that this proceeding be and it is hereby **RE-OPENED** for further hearing, and the same is hereby set down for hearing at the **HEARING ROOM** of the Commission, **SUPREME COURT BUILDING**, Tallahassee, Florida, on Tuesday, June 18, 1940 at 2:30 P. M.

It is further **ORDERED** that the effective date of Order No. 1318 be and it is hereby stayed until the further order of this Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at West Palm Beach this 11th day of June 1940.

ORDER NO. 1321,

DOCKET NO. 1217.

IN RE: GENERAL EXCHANGE TARIFF INTER COUNTY TELEPHONE & TELEGRAPH COMPANY IN REFERENCE TO TOLL STATIONS AND RULES AND REGULATIONS APPLYING TO SUBSCRIBERS CONTRACTS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Inter County Telephone & Telegraph Company proposes to change its General Exchange Tariff to show a flat rate charge to those stations connected with a non-attended Dial Exchange equivalent to one station-to-station message per day at the authorized rates for service between the toll station and the dial exchange. It also proposes to insert in the tariff a provision allowing a commission of 10%, not to exceed 10c upon any one message, to the agent of the toll station. It also proposes to include in its General Exchange Tariff a paragraph limiting the use of a telephone to the subscriber, representatives, employees, or members of his immediate family. The company has submitted tariff sheets showing these changes.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that First Revised Sheet

1, Section 8, and First Revised Sheet 2 of Section 22 of the General Exchange Tariff of the Inter County Telephone & Telegraph Company, copies of which sheets are hereto attached and made a part of this order, be and the same are hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 15th day of May 1940.

ORDER NO. 1322,

DOCKET NO. 1415.

**IN THE MATTER OF INVESTIGATION OF TOLLS AND CHARGES
OVER GANDY BRIDGE, A TOLL BRIDGE EXTENDING ACROSS
OLD TAMPA BAY AND CONNECTING THE SHORES OF HILLS-
BORO AND PINELLAS COUNTIES.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 760 dated October 3, 1939 hearings were begun in this matter at the Chamber of Commerce Building, Tampa, Florida, on Monday, November 6th, 1939, and lasted through November 10th, 1939. A further hearing was held at the Supreme Court Building, Tallahassee, Florida, on January 16th and 17th, 1940. These hearings were held for the purpose of investigating the tolls and charges now in effect and charged by Gandy Bridge Company over the Gandy Bridge. This was an investigation by the Commission on its own motion and without formal complaint for the purpose of fixing and prescribing just and reasonable tolls and charges for the future.

APPEARANCES:

For the Railroad Commission:

Theo. T. Turnbull, Counsel, Wm. P. Simmons, Jr., Assistant Counsel, Fred Pettijohn, Accountant, and John F. Reynolds of Jacksonville, Florida, Engineer.

For the Tampa Chamber of Commerce and Tampa Traffic Association:

C. Edmund Worth, Roy C. Brown and Joseph H. Donnell.
For Automobile Dealers Association of Tampa:
George Holtsinger.
For Hillsborough County:
Seth Dekle.
For Florida Motor Lines:
Donald K. Carroll.

For the Respondent, Gandy Bridge Company:

John D. Harris, H. L. McGlothlin, and J. C. Dew of the firm of Cook, Harris, Barrett, McGlothlin & Dew, Florida National Bank Building, St. Petersburg, Florida; Henry J. Saunders, Consulting Engineer, Washington, D. C.; James D. A. Holley, Accountant, Tampa, Florida; Howard P. Macfarlane, Tampa, Florida.

2. All parties entitled to notice having received notice, and all parties desiring to be heard having been heard, the hearings were closed and the Commission took the matter under advisement for the purpose of making a study of the record and of the briefs and arguments of the respective parties, and to formulate their order in this proceeding. The record in this proceeding consists of eight typewritten volumes containing nine hundred and thirty-four pages of testimony and fifty exhibits.

3. And now on this date the said Commission having fully considered the evidence in this case and being fully advised in the premises do make, promulgate and establish, until the further order of this Commission, the following schedule of toll rates and charges to be charged by Gandy Bridge Company over the Gandy Bridge, a toll bridge extending across old Tampa Bay connecting the shores of Hillsboro and Pinellas Counties and linking together the cities of Tampa and St. Petersburg, to-wit:

Automobile and Driver	35c, plus 5c per passenger.
Motor-bus and Driver	75c, plus 5c per passenger.
Motor Truck and Driver	50c, plus 10c per 1,000 lbs.
Any number of axles, but with wheel-base not ex- ceeding 18 feet	or fraction thereof, in ex- cess of 5,000 lbs. gross weight; plus 5c per pas- senger.
Trailer and One Passenger	50c, plus 10c per 1,000 lbs.
If total wheel-base of Ve- hicle and Trailer exceeds 18 feet	or fraction thereof, in ex- cess of 5,000 lbs. gross weight; plus 5c per pas- senger.
Motorcycle and Driver	20c, plus 5c per passenger.
Bicycle and Rider	5c, plus 5c per passenger.
Double Team and Driver	35c, plus 5c per passenger.
Single Team and Driver	35c, plus 5c per passenger.
Horse and Rider	20c, plus 5c per passenger.
Loose Driven Cattle, Horses	15c per head.

It is ORDERED that the foregoing schedule of tolls and charges shall be and become effective for use over the Gandy Bridge at 12:01

A. M. on July 1st, 1940, and Gandy Bridge Company is hereby ORDERED to make effective such schedule of rates on said date and charge the same until the further order of this Commission.

It is further ORDERED that this cause shall remain open on the docket of the Commission and jurisdiction be retained for the purpose of making such other or further order as to the Commission shall seem proper.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 20th day of June 1940.

ORDER NO. 1323,

DOCKET NO. 1402.

IN RE: APPLICATION OF L. R. POWELL, JR. AND HENRY W. ANDERSON, AS RECEIVERS OF SEABOARD AIR LINE RAILWAY COMPANY FOR AUTHORITY TO DISCONTINUE THE OPERATION OF TRAINS NOS. 34 AND 35, BETWEEN JACKSONVILLE, FLORIDA, AND RIVER JUNCTION, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 773 dated June 3, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, at 10 o'clock A. M. on June 20, 1940.

W. L. Stanley, Chief Public Relations Officer and W. J. Oven, District Counsel, appeared for applicants.

Charles Ausley, C. C. Davenport and Leroy Collins appeared for Chamber of Commerce, Tallahassee, Florida.

Frank Harrison, Jr., appeared for the City of Tallahassee, Florida.

2. This is the second hearing in this matter. It was first heard on September 12, 1939, and by Order No. 1301, dated October 5, 1939, permission to discontinue trains 34 and 35, known as the "TALLAHASSEE FLYER" which at that time operated between Jacksonville, Florida, and River Junction, Florida, was denied without prejudice to the right of applicants to discontinue the operation of of these trains between Tallahassee and River Junction, Florida. The operation of these trains as between Tallahassee and River Junction, pursuant to authority contained in Order No. 1301, was discontinued on October 29, 1939. By Order No. 1303, dated October 25, 1939, the Commission ordered that this proceeding remain open on the docket for a period of six months within which

time the applicants were authorized, if they so desired, to file a petition for discontinuance of these trains between Jacksonville and Tallahassee, and if said petition should be filed such petition should be considered as a petition for a reopening and rehearing of this matter, and should be upon the testimony taken at the hearing held on September 12, 1939, and upon such other evidence as might be introduced by the applicants, and by any other parties at said rehearing. The present hearing was, therefore, in the nature of a rehearing, or rather a continuance of the former hearing and this order is supplemental to Order No. 1301.

3. In its Order No. 1301, denying the application of the applicants insofar as discontinuance of the operation of these trains between Jacksonville and Tallahassee is concerned, the Commission went into great detail in discussing the testimony and the evidence produced and is of opinion that no good purpose would be served in repeating this discussion.

4. Additional testimony introduced by the applicants at this hearing shows that the Seaboard Air Line Railway, in addition to these two trains Nos. 34 and 35, known as the "Tallahassee Flyer," operates train 37 which leaves Jacksonville at 11:35 A. M. and arrives Tallahassee at 4:19 P. M. Train 39 leaves Jacksonville at 9:20 P. M. and arrives Tallahassee at 2:15 A. M. Train 36 leaves Tallahassee at 1:40 P. M. arriving Jacksonville at 6:00 P. M. and train No. 38 leaves Tallahassee at 1:20 A. M. arriving Jacksonville at 6:15 A. M.

5. Under the provisions of Order No. 1301, Trains 34 and 35 have since October 30, 1939 operated between Jacksonville and Tallahassee. Train 35 leaves Jacksonville at 8:55 in the morning arriving Tallahassee at 12:50 P. M. and train 34 leaves Tallahassee at 4:40 P. M. arriving Jacksonville at 8:30 P. M. It has been the desire of the Commission to keep these two trains in operation on account of both the connections made at Jacksonville with the trains from the east and the south, and on account of the prompt delivery of the mail in Tallahassee. It was the expectation of the Commission that by allowing the discontinuance of these two trains between Tallahassee and River Junction the losses shown at the prior hearing would be decreased with a consequent increase in the net revenue. From the testimony introduced at the present hearing this hope and expectation on the part of the Commission has not been realized. From Exhibit 16-R, introduced by the applicant covering a period from November 1, 1939 to April 30, 1940, during which time these trains were operated between Tallahassee and Jacksonville, it appears that the total revenue derived from the operation of train 34 between Tallahassee and Jacksonville was \$6,413.00, and that the total revenue from the operation of train 35 between Jacksonville and Tallahassee was \$7,705.00. This makes a total revenue for the two trains for this period of \$14,118.00, or a total revenue per train mile of 24c, and the passenger revenue per train mile of 20c. It appears from Exhibit 21-R that the

total out-of-pocket cost of operating these two trains between Jacksonville and Tallahassee for this six months period was \$23,356.00, or a total out-of-pocket expense per train mile of 39c. This statement showed the out-of-pocket expenses only and did not include any overhead expenses, such as general taxes and maintenance-of-way. From an examination of the exhibits introduced it appears that the actual wages, pay-roll taxes and the fuel during this six months period exceeded the total revenue by \$1150.00 without considering any other expense. In other words, for the last six months period of operation the total earnings of these two trains from all sources was \$14,118.00, and the total cost of operating them for that same period was \$23,356.00, indicating that the railroad suffered a loss in actual out-of-pocket expenses of \$9,238.00 for this period. An analysis of all of the exhibits introduced in this proceeding covering the operation of these two trains for the calendar year 1938, and the first seven months of 1939, during which time the trains operated between Jacksonville and River Junction, Florida, and the six months period from November 1, 1939 to April 1940, during which time the trains operated between Jacksonville and Tallahassee, Florida, indicates that the railroad has sustained an out-of-pocket loss in operating these two trains of \$43,165.00

6. A witness for the Union Bus Company which is engaged in common carriage of passengers by motor vehicle over the highways between Jacksonville and Tallahassee, testified that they operated numerous schedules between these points and that the bus company would be willing to adjust its schedules to a limited degree in either way to take care of the connections in Jacksonville now made with trains 34 and 35. He further testified that it would be glad to get the mail contract and transport the mail now being transported by these trains between Jacksonville and Tallahassee.

7. The Chamber of Commerce and the City of Tallahassee offered no evidence at this hearing and relied upon the testimony offered at the previous hearing.

8. The Commission has carefully considered all of the evidence in this hearing, including the record made at the former hearing, and is of opinion that the financial burden on the rail carrier of operating these two trains exceeds the need of the public for a continuance of the service, and that the application of the carrier to discontinue the operation should be granted.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Receivers of the Seaboard Air Line Railway Company to discontinue the operation of trains 34 and 35 between Jacksonville, Florida, and Tallahassee, Florida, such trains known as the "TALLAHASSEE FLYER," be and the same is hereby **APPROVED**.

It is further ORDERED that this order shall be and become effective on July 15, 1940.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 2nd day of July 1940.

ORDER NO. 1324,

DOCKET NO. 1211.

IN RE: REDUCTION AND/OR ELIMINATION OF EXTRA CHARGES FOR SERVICE IN CONNECTION WITH THE HAND SET OR FRENCH TYPE OF TELEPHONE AND IN CONNECTION WITH BASIC MONTHLY CHARGES APPLICABLE TO ALL TELEPHONE COMPANIES SUBJECT TO THE JURISDICTION OF THIS COMMISSION NOW OR HEREAFTER SERVING LESS THAN 10,000 STATIONS IN THE STATE OF FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By general Orders No. 1172 dated December 22, 1933, and No. 1235 dated March 11, 1937, and by special Order No. B. T. 75 dated December 20, 1939, dealing especially with rates of Southern Bell Telephone & Telegraph Company, and by special Order No. T-14 dated December 20, 1939, dealing and applying to exchanges operated by Peninsular Telephone Company, this Commission has dealt with this subject insofar as it applies to telephone companies having 10,000 stations or more in the State of Florida. The above mentioned orders among other things authorized telephone companies with 10,000 stations and more to make the desk set charge the basic rate and required Hand Sets to be furnished at an extra charge of 15c per month over and above the basic rate.

2. The Commission has further considered this matter and is of opinion that both equity and public convenience require that these orders insofar as they deal with the desk set as the basic rate, and a charge of 15c per month in addition to such basic rate for Hand Sets, should be made applicable to all telephone companies in the State operating less than 10,000 stations.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that for all telephone companies operating under its jurisdiction in the State of Florida having less than 10,000 stations the basic monthly rate for local exchange service shall be the present desk set rate, and where wall set equipment is used the monthly rate shall be 10c less than the basic rate, and that all such telephone companies shall furnish hand sets at all of their exchanges in the State of Florida at a charge of 15c a month for each set in addition to the basic monthly charges as herein fixed.

It is further ORDERED that each telephone company in the State of Florida having less than 10,000 stations, and desiring to avail itself of this order, may file its application together with tariffs for each of its exchanges in the State of Florida setting out the basic rate herein prescribed and by filing a revision of its General Exchange Tariff providing for the furnishing of wall sets and hand sets at the rates and charges mentioned herein.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 2nd day of July 1940.

ORDER NO. 1325,

DOCKET NO. 1211.

IN RE: REDUCTION AND/OR ELIMINATION OF EXTRA CHARGES FOR SERVICE IN CONNECTION WITH THE HAND SET OR FRENCH TYPE OF TELEPHONE AND IN CONNECTION WITH BASIC MONTHLY CHARGES APPLICABLE TO ALL TELEPHONE COMPANIES SUBJECT TO THE JURISDICTION OF THIS COMMISSION NOW OR HEREAFTER SERVING LESS THAN 10,000 STATIONS IN THE STATE OF FLORIDA — INTER COUNTY TELEPHONE & TELEGRAPH COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1324, dated July 2, 1940, this Commission authorized telephone companies operating in the State of Florida having less than 10,000 stations to make the present Desk Set rate the basic monthly rate for Local Exchange Service and prescribing a monthly rate of 10c less for Wall Set equipment and 15c more than the basic rate for Hand Set equipment.

2. Inter County Telephone & Telegraph Company has applied to this Commission to avail itself of the provisions of such order and has filed its schedules of rates for each of its exchanges in accordance with such order, and has asked that such schedules be approved and made effective as of May 1st, 1940.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the schedule of rates for each of the exchanges operated by Inter County Telephone & Telegraph Company, copies of which are hereto attached and made a part of this order, and also Second Revised Sheet 1 of Section 17 of its General Exchange Tariff, providing for Wall Set equipment at a rate of 10c per month less than the Basic Rate, and Hand Set equipment to be furnished at an extra charge of 15c per month over and above the basic rate, and

providing for certain other auxiliary equipment, a copy of which is hereto attached and made a part of this order, be and the same are hereby APPROVED, effective as of May 1st, 1940.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 2nd day of July, 1940.

ORDER NO. 1326,

DOCKET NO. 1436.

IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD COMPANY TO CLOSE ITS AGENCY AT VENUS, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 775 dated June 3, 1940, this matter came on for consideration before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on June 19, 1940.

F. B. Langley, Superintendent of Transportation, Jacksonville, Florida, and E. B. Rush, Superintendent, Tampa, Florida, appeared on behalf of the applicant.

No one appeared in opposition.

2. From the testimony produced by the applicant it appears that the monthly revenue derived by the Railroad Company in the handling of business at Venus, Florida, for the period January 1, 1939 to December 31, 1939, inclusive, was \$231.38. Revenue figures for the months of January, February and March 1940 were also furnished at the hearing which showed that the average monthly revenue for handling all classes of business at Venus for these three months was \$46.96. Testimony was also produced and uncontradicted that there was no business in sight that would indicate an increase in revenue at this agency for the future.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Atlantic Coast Line Railroad Company to close its agency at Venus, Florida, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 20th day of June, 1940.

ORDER NO. 1327,

DOCKET NO. 1434.

IN RE: COMPLAINT OF FLORIDA GRAVEL COMPANY OF CHATTAHOOCHIEE, FLORIDA, AGAINST THE SEABOARD AIR LINE RAILWAY COMPANY FOR REFUSAL OF THE RAIL LINE TO ESTABLISH A WATER COMPETITIVE RATE OF 135 CENTS PER TON ON GRAVEL FROM CHATTAHOOCHIEE, FLORIDA, TO SULPHUR SPRINGS AND TAMPA, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Order No. 1318 was entered on June 7, 1940 requiring the Receivers of the Seaboard Air Line Railway Company to put into effect a rate of 135 cents per ton of 2,000 pounds on gravel, uncrushed, carload minimum weight 90% of marked capacity of the car from Chattahoochee River, Florida, to Tampa, Florida and Sulphur Springs, Florida.

2. Petitions were filed with this Commission by Receivers of Seaboard Air Line Railway Company, and by Florida Crushed Stone Company, asking that this proceeding be reopened for further hearing, and that the Commission reconsider its Order No. 1318. These petitions were granted, and by Order No. 1320, dated June 11, 1940, this proceeding was reopened and set down for further hearing at the Hearing Room, Supreme Court Building, Tallahassee, Florida, on June 18, 1940 at 2:30 P. M. Hearing was held pursuant to said notice and the following appeared:

F. S. Sargeant, 509 S. A. L. Railway Building, Norfolk, Virginia, attorney, and J. A. Cane, Commerce Agent, Norfolk, Virginia, for Seaboard Air Line Railway Company.

E. L. Watkins, Assistant General Freight Agent, Wilmington, N. C. for Atlantic Coast Line Railroad Company.

C. B. Meitin, Commerce Assistant to the General Freight Agent, St. Augustine, Florida, for Receivers of Florida East Coast Railway.

F. C. Hillyer and T. C. Morrow, both of Jacksonville, Florida, for Florida Crushed Stone Company, Intervener.

Ben F. Barnes, Marianna, Florida, attorney for Florida Gravel Company.

Frank E. Harrison, Jr., Tallahassee, Florida, and Richard Ervin, Jr., Attorney, Tallahassee, Florida, for State Road Department.

3. The gravamen of the complaint of Florida Gravel Company is that since the Seaboard Air Line Railway Company had reduced its rates by 55 cents per ton on *Crushed Stone* from Brooksville, Gay, Camp and Con-rock to Fort Lauderdale, and 25c per ton to South Bay to meet water

competition on the East Coast of Florida, and the Commission had authorized these reductions under the provisions of its Rule No. 2, this Commission should now require the Seaboard Air Line Railway Company to reduced its rate on *Uncrushed Gravel* from Chattahoochee River to Tampa and Sulphur Springs by the same amount per ton. While this Commission under the statutes as interpreted by the Supreme Court of Florida has full authority and jurisdiction over intrastate rates, and the only lawful intrastate rates and regulations are the rates and regulations of the Railroad Commission and not of the carriers. (*L. & N. R. Co. vs. Speed-Parker*, 137 So. 724), the facts of this case do not justify the Commission in entering the order desired by complainant, Florida Gravel Company. If complainant had sought similar reductions in its rates to the same territory, and along the same line of railroad that the Seaboard Air Line Railway Company granted to the Brooksville shippers, relief might have been granted to it. It appears, however, from the evidence introduced in the original case, and at the rehearing, that the rate reduction sought is such as would permit the complainant to compete in the Tampa Market not only with its competitor at Brooksville but also with interstate water borne traffic moving into Tampa. The Commission conceives its duty to be to prevent unjust discrimination, but it is neither its duty nor is it consistent with sound rate making principles to attempt to equalize competition in different localities by overcoming geographical and commercial advantages by means of rate adjustments.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Order No. 1318 entered in this proceeding on June 7, 1940, be and the same is hereby **CANCELED** and **REVOKED** and complaint of Florida Gravel Company is **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 2d day of July, 1940.

ORDER NO. 1328,

DOCKET NO. 1442.

IN RE: EXCEPTIONS NO. 20 to SOUTHERN CLASSIFICATION, I. C. C. NO. 83, FILED BY RAIL CARRIERS THROUGH AGENT E. H. DULANEY, TO BECOME EFFECTIVE SEPTEMBER 1, 1940,

—and—

PETITION OF FLORIDA INTRASTATE RATE BUREAU, REPRESENTING THE COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE OPERATING WITHIN THE STATE OF FLORIDA TO DEFER APPROVAL PENDING A HEARING THEREON OF THE ABOVE MENTIONED EXCEPTIONS NO. 20 TO SOUTHERN CLASSIFICATION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Hearing was held on this matter before the Railroad Commission in Tallahassee, Florida, on August 26, 1940, pursuant to Notice No. 778. The hearing was limited to argument on the question of the jurisdiction of the Commission and to what action should be taken with reference to the relief sought by the Florida Intrastate Rate Bureau. The following appeared:

McCarthy Crenshaw and Victor Blue, 1503 Barnett National Bank Building, Jacksonville, Florida, appeared for the petitioner, Florida Intrastate Rate Bureau and Flamingo Truck Lines, Inc.

John M. Allison, Stoval-Professional Building, Tampa, Florida, appeared for Central Truck Lines, Inc., Fogarty Brothers Transfer, Inc., and D. E. Hunt of Hunt Truck Line.

Clifford T. Inglis, Jacksonville, Florida, for St. Johns River Line Company and Florida Intrastate Rate Bureau.

A. Pickens Coles for Tamiami Trail Tours, Inc., 307 Tampa Theatre Building, Tampa, Florida.

A. Y. Milam, Greenleaf Building, Jacksonville, Florida, for Great Southern Trucking Company.

Louis Kurtz, 608 Consolidated Building, Jacksonville, Florida, and R. G. Hodgkin, for Atlantic Coast Line Railroad Company.

John Summerlin, 414 Graham Building, Jacksonville, Florida, and D. B. Green, St. Augustine, Florida, for Florida East Coast Railway.

2. The Southern rail lines, through their agent E. H. Dulaney, have filed with the Interstate Commerce Commission Exceptions No. 20 to Southern Classification, I. C. C. No. 83. The purpose of these exceptions is to reduce the classification ratings on 3519 items of the first three classes. On July 24, 1940 a copy of these exceptions was filed with this Commission. The effective date of the exceptions, both interstate and intrastate, is September 1, 1940. It is the thought of the rail lines that under the provisions of Rule 2 these classification changes would automatically become effective on intrastate traffic on September 1, 1940. They definitely stated, however, that they did not desire these classification changes on intrastate traffic unless the Interstate Commerce Commission allowed them to become effective on interstate traffic.

3. The common carrier truck lines in the State of Florida, through their Florida Intrastate Rate Bureau, filed petitions requesting that this Commission hold a hearing before permitting the Classification changes to become effective in order to allow the motor carriers to show the alleged adverse effect of such changes on their industry, and requesting

that Rule 2, Section 3 of the Rules and Regulations of this Commission, be interpreted so as to require such a hearing before the Classification changes go into effect. At this hearing it was brought out that the motor carriers had filed a petition with the Interstate Commerce Commission asking for suspension of the proposed Classification changes on interstate traffic, and it was vigorously contended that this Commission should not allow the Classification changes to go into effect intrastate until after the Interstate Commerce Commission had made its decision.

4. This Commission is of opinion that the Classification changes proposed by the rail carriers should not become effective intrastate until the Interstate Commerce Commission has passed upon the petition to suspend the proposed changes interstate. After the Interstate Commerce Commission has acted in the matter this Commission will then determine what further action it will take. Since Freight Rule 2 has been construed by some to authorize reductions in rail rates to become effective by the mere filing of the same by the railroads with this Commission, said rule should be suspended until the further order of this Commission.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Rule 2 of Section 3 of the Rules and Regulations of this Commission governing the transportation of freight by common carriers in Florida is hereby **SUSPENDED** in this case, and approval of Agent Dulaney's Exceptions No. 20 to Southern Classification, I. C. C. No. 83, will be withheld at this time, and no action shall be taken in respect thereto until the Interstate Commerce Commission has acted in the matter, and until the further order of this Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of August, 1940.

ORDER NO. 1329,

DOCKET NO. 1442.

IN RE: EXCEPTIONS NO. 20 TO SOUTHERN CLASSIFICATION, I. C. C. NO. 83, FILED BY RAIL CARRIERS THROUGH AGENT E. H. DULANEY, TO BECOME EFFECTIVE SEPTEMBER 1, 1940,

—and—

PETITION OF FLORIDA INTRASTATE RATE BUREAU, REPRESENTING THE COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE OPERATING WITHIN THE STATE OF FLORIDA TO DEFER APPROVAL PENDING A HEARING THEREON OF THE ABOVE MENTIONED EXCEPTIONS NO. 20 TO SOUTHERN CLASSIFICATION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter was considered in Order No. 1328, of August 26, 1940, wherein this Commission withheld action on the proposed classification changes until the Interstate Commerce Commission had acted on a petition by the motor carriers to suspend similar changes which had been filed with that body to govern interstate traffic. It now appears that the Interstate Commerce Commission has refused to suspend the reduced ratings and the same will govern interstate traffic on and after September 1, 1940.

2. In the interest of uniformity in classification ratings this Commission will not suspend the reduced ratings but will approve same subject to such further proceedings as are deemed advisable.

WHEREFORE, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Items 6000 through 8586 inclusive, E. H. Dulaney's Exceptions No. 20 to Southern Classification, I. C. C. No. 83, be and the same are hereby APPROVED for Florida intrastate application on and after September 1, 1940.

It is further ORDERED that jurisdiction of this matter is retained for such further orders and proceedings as may be required.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 31st day of August, 1940.

ORDER NO. 1330,

DOCKET NO. 1234.

IN RE: LOCAL EXCHANGE TARIFF OF INTER COUNTY TELEPHONE & TELEGRAPH COMPANY IN REFERENCE TO RATES BEYOND THE BASE RATE AREA AT EVERGLADES, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. The Inter County Telephone & Telegraph Company in response to requests from subscribers living within a few miles beyond the Base Rate Area at Everglades, Florida, proposes to change its Local Exchange Tariff at that place in order to provide Exchange Service for such patrons. The company has submitted its tariff sheet showing these changes and providing for exchange rates for the patrons within six miles of the central office, and for those living between six and ten miles from the central office.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Local Exchange

Tariff for Everglades, Florida, effective August 1, 1940, of the Inter County Telephone & Telegraph Company, copy of which sheet is attached hereto and made a part of this order, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 17th day of August, 1940.

ORDER NO. 1331,

DOCKET NO. 1211.

IN RE: EXCHANGE RATES AND CHARGES OF ST. JOSEPH TELEPHONE & TELEGRAPH COMPANY—CHATTAHOOCHEE AND RIVER JUNCTION AND APALACHICOLA AND PORT ST. JOE, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. The St. Joseph Telephone & Telegraph Company which operates exchanges at Chattahoochee and River Junction and Apalachicola and Port St. Joe, Florida, has filed with this Commission a tariff consisting of two sheets, dated September 9, 1940, and seeks approval of the same. The Commission has considered the proposed rates and charges as set forth in said tariff and finds the same to be reasonable and proper.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the exchange rates and charges of the St. Joseph Telephone & Telegraph Company, dated September 9, 1940, consisting of two sheets, copies of which are attached to and made a part of this order, be and the same are hereby APPROVED as of this date and all previous tariffs are hereby CANCELED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 9th day of September, 1940.

ORDER NO. 1332,

DOCKET NO. 1443.

IN RE: APPLICATION OF THE ATLANTIC COAST LINE RAILROAD COMPANY FOR RELIEF FROM THE FLORIDA LONG AND SHORT HAUL LAW, AND FREIGHT RULE 2, IN ORDER TO PERMIT THE ESTABLISHMENT OF A RATE OF \$28.00 PER CAR, REGARDLESS OF WEIGHT, ON LOGS IN TRAIN-LOAD LOTS, 40 CARS MINIMUM, FROM COPELAND, FLORIDA, TO PERRY, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This matter came on for consideration by the Commission upon the representation of R. J. Doss, General Freight Traffic Manager of the Atlantic Coast Line Railroad Company, and E. G. Swartz, President of Burton-Swartz Cypress Company of Florida, and it appearing:

1. That Burton-Swartz Cypress Company of Florida operates a large sawmill at Perry, Florida, which is equipped for the sawing of cypress logs. The present stand of cypress timber in and around Perry is being rapidly consumed and the indications are that it will be exhausted within the next year. The lumber company controls approximately 500,000,000 feet of cypress timber in Collier County in the vicinity of Copeland, and in order to keep its mill at Perry must provide some means of transporting this timber to Perry. The distance from Copeland to Perry is approximately 369 miles, and the present rate on logs not exceeding 6 feet in length is \$33.60 per car of 40,000 pounds, excess in proportion, and on logs exceeding 6 feet in length \$33.60 per car of 30,000 pounds, excess in proportion. The lumber company alleges that it cannot profitably move these logs from Copeland to Perry at this rate, and that the only alternative would be to move its mill to the timber at an enormous expense.

2. The lumber company took up this matter with the Atlantic Coast Line Railroad Company and agreed with it that it was willing to pay a rate of \$28.00 per car, regardless of weight, and in consideration of this rate was willing to forward the logs in solid trains of not less than 40 cars each.

3. The Railroad Company has a line of road between Everglades and Immokalee which was built for the specific purpose of eventually transporting this timber or its products, and it is of the opinion that unless a transportation rate is fixed that will move these logs it will lose all revenue from this timber. It, therefore, has requested relief from the "Long and Short Haul Law", and this Commission's "Freight Rule 2", in order that it might establish from Copeland, Florida, to Perry, Florida, a rate that will move the logs. The Railroad Company

also agrees that should similar situations arise in connection with other movements of logs between points on its line in Florida it is willing to undertake the establishment of a corresponding rate, subject, however, to a minimum of 40 cars per train.

4. The statutes of the State of Florida prohibit a railroad company from making any unjust discrimination in its rates for the transportation of freight, or for the use and transportation of any railroad car, but specific provision is made that this shall not prevent any railroad company from giving reduced rates for the transportation of freight wholly within the State of Florida for the encouragement of manufacturing industries within the State of Florida, provided that such reduced rates shall be given without discrimination, and shall be published in the schedules and rate sheets of such common carriers. (Section 6699). The Interstate Commerce Commission, and many Public Utility Commissions, recognize the principle of lower rates on shipments in lots of more than one car than in single car quantity. This principle is also recognized in truck transportation where lower rates are made on carload quantities when it often requires the use of more than one truck for the transportation of a single shipment. (MOLASSES FROM NEW ORLEANS, LOUISIANA, 235 I. C. C. 485).

5. The Railroad Commission of the State of Florida has carefully considered this application and is of opinion that it should be granted in the interest of encouraging manufacturing industries within the State of Florida.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for relief from the Long and Short Haul Law, and this Commission's Freight Rule 2, in order to permit the establishment by the railroad company of a rate on logs of \$28.00 per car, regardless of weight, in train-load lots, 40 cars minimum, from Copeland, Florida, to Perry, Florida, cars to be loaded in a safe and satisfactory manner with due regard to the capacity of the cars and the safety of operation, be and the same is hereby **APPROVED**.

It is further **ORDERED** that should similar situations arise in connection with other movements of logs between points on its line within the State of Florida the Atlantic Coast Line Railroad Company is hereby required to establish a corresponding rate, such rate to be made subject to a minimum of 40 cars per train.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 20th day of September, 1940.

INFORMAL APPLICATIONS AND COMPLAINTS

- TC- 1—Charge for restoration of service. G. A. Stephens, Jacksonville, vs. Southern Bell Tel. & Tel. Co. Settled.
- RA- 2—Abandoning and retiring station building at Korona and abandoning Korona as l. c. l. station. Florida East Coast Railway. Granted.
- RA- 3—Abandoning and retiring station building at Oslo and abandoning Oslo as l. c. l. station. Florida East Coast Railway. Granted.
- RA- 4—Discontinuing Griffin, Florida, as l. c. l. shipping point. Atlantic Coast Line Railroad Company. Granted.
- RA- 5—Discontinuing Sparlin, Florida, as l. c. l. shipping point. Atlantic Coast Line Railroad Company. Granted.
- RA- 6—Discontinuing Iddo, Florida, as l. c. l. shipping point. Atlantic Coast Line Railroad Company. Granted.
- RA- 7—Discontinuing Eaton Park, Florida, as l. c. l. shipping point. Atlantic Coast Line Railroad Company. Granted.
- RA- 8—Closing Elkton agency temporarily. Florida East Coast Railway. Withdrawn.
- TC- 9—Service to Silver Springs. W. M. Davidson vs. Florida Telephone Corporation. Settled.
- TC-10—Telephone service, Mt. Dora. Dr. Sanford C. Colley vs. Florida Telephone Corporation. Settled.
- TC-11—Telephone charges. W. L. Bagby, Key West, vs. Southern Bell Telephone & Telegraph Company. Settled.
- TC-12—Telephone service, Winter Park. Mrs. A. T. Herttell vs. Southern Bell Tel. & Tel. Co. Pending.
- TC-13—Service at Immokalee. Mr. Frank Whisnant vs. Inter County Tel. & Tel. Co. Settled.
- TC-14—Deposit requirements. Capital Engineering Co. vs. Southern Bell Tel. & Tel. Co. Settled.
- TC-15—Telephone Charges. Mrs. Elizabeth Lewis, Tallahassee, vs. Southeastern Telephone Co. Settled.
- TC-16—Service, Madison, Florida. Subscribers vs. Southeastern Telephone Co. Settled.
- TC-17—Service, Kendall. Subscribers vs. Southern Bell Tel. & Tel. Co. Settled.

- RA-18—Closing agency at Altoona, Florida. Atlantic Coast Line Railroad Co. Granted.
- RA-19—Dismantling depot at Ona, Florida. Seaboard Air Line Railway Co. Granted.
- RA-20—Closing agency at Mims, Florida. Florida East Coast Railway Co. Granted.
- RA-21—Discontinuing caretaker at Ocklawaha, Fla. Atlantic Coast Line Railroad Co. Granted.
- RA-22—Tri-weekly service, Sanford-Lake Charm Branch—application for. Atlantic Coast Line Railroad Co. Granted.
- RA-23—Establishing temporary agency at Yukon, Fla. Atlantic Coast Line Railroad Co. Granted.
- RA-24—Closing agency Ft. Ogden during summer months. Atlantic Coast Line Railroad Company and Seaboard Air Line Railway Co. Granted.
- RA-25—Consolidating Trains 1 and 191 and 2 and 192. Seaboard Air Line Railway Co. Granted.
- RA-26—Dismantling depot at Willow, Florida. Seaboard Air Line Railway. Granted.
- RA-27—Dismantling platform at Limona, Florida. Seaboard Air Line Railway Co. Granted.
- RA-28—Dismantling depot at Minneola, Florida. Tavares and Gulf Railroad Co. Granted.
- RA-29—Retiring station building at Olive, Florida. Louisville and Nashville Railroad Co. Granted.
- TC-30—Telephone charges. W. H. Chadick, Lakeland, vs. Peninsular Telephone Co. Settled.
- TC-31—Charges—switching key service. J. Frank Davies, Tampa, vs. Peninsular Telephone Company. Settled.
- TC-32—Telephone service. John R. Bethea, Maitland, vs. Winter Park Telephone Co. Pending.
- TC-33—Request for service. M. C. Smith, Marianna vs. Southern Bell Tel. & Tel. Co. Settled.
- TC-34—Request for service. S. A. Black, Thonotosassa vs. Florida Telephone Corporation and Peninsular Telephone Co. Settled.
- TC-35—Poor service, Eustis. Charles E. Butler vs. Florida Telephone Corporation. Settled.

- TC-36—Telephone service, Marianna. Frank Lee vs. West Florida Telephone Co. Dropped.
- TC-37—Telegraph service, Morriston. J. M. Peterson vs. Western Union. Settled.
- REC-38—Express service, Greenville. H. E. Holland vs. Railway Express Agency. Settled.
- TC-39—Poor toll service. Nelson & Company, Sanford, vs. Southern Bell Tel. & Tel. Co. Settled.
- TC-40—Request for party-line service. Rev. R. H. Latham, Madison, vs. Southeastern Telephone Company. Settled.
- RA-41—Removing old depot building at Pine Barron. Louisville and Nashville Railroad Company. Granted.
- RA-42—Discontinuing caretaker at Eagle Lake, Florida. Atlantic Coast Line Railroad Company. Granted.
- RA-43—Discontinuing caretaker at Adolfo Springs, Florida. Atlantic Coast Line Railroad Company. Granted.
- RA-44—Abandoning station at Hammond, Florida. Atlantic Coast Line Railroad Company. Granted.
- RA-45—Tri-weekly train service, Palmdale to Everglades, Trains 452 and 453. Atlantic Coast Line Railroad Company. Granted.
- RA-46—Abandoning and retiring station building at Turnbull, Florida. Florida East Coast Railway. Granted.
- RA-47—Abandoning depot building at Deerland, Florida. Louisville and Nashville Railroad Co. Granted.
- RA-48—Discontinuing rosin platform and stock pen at Cypress, Florida. Louisville and Nashville Railroad Company. Granted.
- RA-49—Changing schedules trains 191 and 192 between Jacksonville and Savannah. Seaboard Air Line Railway. Granted.
- RA-50—Handling limited number of freight cars on passenger trains 409 and 410. Seaboard Air Line Railway. Granted.
- TC-51—Telephone service. A. N. Smith, Panama City, vs. Southern Bell Tel. & Tel. Co. Settled.
- TC-52—Telephone service. Dr. L. E. Lott, Orlando, vs. Winter Park Telephone Co. Settled.
- TC-53—Messenger service. Hon. D. Stuart Gillis vs. Western Union Telegraph Company. Settled.

- TC-54—Office hours, Western Union. Hon. H. A. Eisenbach vs. Western Union. Settled.
- TC-55—Pay-station service. River Junction Drug Store vs. St. Joseph Tel. & Tel. Co. Settled.
- TC-56—Telephone listing. E. J. Little, Miami, vs. Southern Bell Tel. & Tel. Co. Settled.
- TC-57—Reverse toll charges. Mrs. Callie V. Coleman, Okeechobee City, vs. Inter County Tel. & Tel. Co. Settled.
- TC-58—Toll service. Greenwood Products Co. vs. West Florida Telephone Company and Florida Telephone Corporation. Settled.
- RA-59—Dismantling certain depots. Jacksonville, Gainesville and Gulf Railway Co. Granted.
- RA-60—Removing side track at Roberts, Florida. Louisville and Nashville Railroad Co. Granted.
- RA-61—Abandonment of spur track from Hillsboro, Florida, on Thonotosassa branch to Temple Terrace. Atlantic Coast Line Railroad Co. Granted.
- TC-62—Charges for telephone service. Frank D. Akin vs. Southern Bell Tel. and Tel. Co. Dropped.
- TC-63—Poor toll service. Sanford Service Co. vs. Southern Bell Tel. & Tel. Co. Settled.
- TC-64—Petition for local Sarasota service at Oneco. Citizens vs. Peninsular Telephone Co. Service installed.
- TC-65—Service. Deal Curtis Lumber Company and Shollar Crate and Box Company vs. Southeastern Telephone Co. Settled.
- TC-66—Rural service. B. F. Smith, Tallahassee, vs. Southeastern Telephone Company. Settled.
- TC-67—Service. J. B. Suber, Quincy, vs. Quincy Telephone Co. Settled.
- TC-68—Telephone service, Auburndale. H. C. McCollum vs. Peninsular Telephone Co. Dropped.
- TC-69—Service, Alturas section. E. L. Grass Co. vs. Peninsular Telephone Co. Settled.
- RA-70—Dismantling depot at West Frostproof, Fla. Seaboard Air Line Railway Company. Granted.
- RA-71—Handling limited number of freight cars on passenger trains 409 and 410 between Arcadia and South Boca Grande until November 1, 1940. Seaboard Air Line Railway. Granted.

- RA-72—Discontinuing services of caretaker at Hines, Fla. Atlantic Coast Line Railroad Co. Granted.
- RA-73—Handling limited number freight cars on passenger train No. 1 between Tampa and St. Petersburg. Seaboard Air Line Railway Company. Granted.
- RA-74—Discontinuing services of caretaker at Blanton, Florida. Atlantic Coast Line Railroad Co. Granted.
- RA-75—Discontinuing services of caretaker at Morriston, Florida. Atlantic Coast Line Railroad Co. Granted.
- RA-76—Discontinuing services of caretaker at Hague, Florida. Atlantic Coast Line Railroad Company. Granted.
- RA-77—Dismantling depot at Ferndale, Florida. Tavares and Gulf Railroad Co. Granted.
- TC-78—Delivery service. L. C. Mount, Miami, vs. Western Union Telegraph Co. Settled.
- RA-79—Establishing shuttle service between Jacksonville and Starke. Seaboard Air Line Railway Co. Granted.
- RA-80—Removing motor coach from service. Live Oak, Perry and Gulf Railway Co. Granted.
- RC-81—Service at Callahan Agency. Callahan Veneer Co. vs. Atlantic Coast Line Railroad Co. Settled.
- TC-82—Service between Ocala and Summerfield. Sinclair Wells vs. Florida Telephone Corporation. Settled.
- TC-83—Poor service, Hastings. Junior Chamber of Commerce vs. Florida Telephone Corporation. Settled.
- TC-84—Deposit requirements. Paul Reid, Cocoa, vs. Southern Bell Tel. and Tel. Co. Settled.
- TC-85—Telephone service. Fred L. Sanford vs. Southeastern Telephone Company. Dropped.
- TC-86—Toll service. Plymouth Citrus Growers Association vs. Florida Telephone Corporation. Settled.
- TC-87—Telephone charges. Zollie Rowan, River Junction, vs. St. Joseph Telephone Co. Settled.

**Motor Transportation
Department**

MOTOR TRANSPORTATION DEPARTMENT

During the calendar year 1940, the Commission had an average of eleven inspectors whose duties included the enforcement of provisions of the Florida Motor Transportation Act. During that period the inspectors made 183 arrests, of which there were 148 convictions; 27 cases were dismissed and 8 are now pending. The inspectors during the same period traveled 254,795 miles in the performance of their duties.

**DIGEST OF APPLICATIONS FILED WITH THE
RAILROAD COMMISSION 1940**

	Granted	Denied	Dismissed
Applications for Common carriers	5	1	2
Applications for Contract carriers	5		
Applications for extensions of Certificates	12	1	
Applications for Transfer of Certificates	2		
Applications for change schedule	2		
Applications change rules	2		
Applications for limited common carrier Cts.	3		

CERTIFICATES AND PERMITS IN EFFECT

Common Carrier Certificates	53
Contract Carrier Certificates	32
Special Permits	25
Passenger Permits	200
Certificates of Registration	77
Limited Common Carriers	74

**NUMBER OF PIECES OF EQUIPMENT LISTED
WITH THE COMMISSION**

Common	953
Contract	309
Permit	918
Certificates of Registration	599

PERMITS GRANTED IN 1940

PERMIT No. 515—Clinton Harley, d/b/a Pompano Cab Service, Pompano, Florida, to transport passengers for hire, January 4, 1940.

PERMIT No. 516—Meyer Wallenstein—100 Ocean Drive, Miami Beach, Fla. to transport passengers for hire, Jan. 4, 1940.

PERMIT No. 517—Eugene M. Haggerty, Jr. 262 Sunset Ave., Palm Beach, Fla. to transport passengers, Jan. 4, 1940.

PERMIT No. 518—W. H. DaCamara, 211 Lakeview Ave, West Palm Beach Fla. to transport passengers for hire, Jan. 4 1940.

PERMIT No. 519—Ralph Martin, 171 Root Trail, Palm Beach, Florida to transport passengers for hire, Jan. 4, 1940.

PERMIT No. 520—Thad. O. Thompson, d/b/a Tri City Cab Company, Bradenton, Florida, to transport passengers for hire, Jan. 4, 1940.

PERMIT No. 521—Joseph Fischl, Halsey Hotel, West Palm Beach, Florida to transport passengers for hire, Jan. 4, 1940.

PERMIT No. 522—Florence L. Sandfort d/b/a City Storage Garage, Winter Park, Florida, to transport passengers for hire, Jan. 4, 1940.

PERMIT NO. 523—John Zeman, 617 50th St., West Palm Beach, Florida, to transport passengers for hire, January 4, 1940.

PERMIT No. 524—Philip L. Young, 514½ Iris St., West Palm Beach, Florida, to transport passengers for hire, January 12, 1940.

PERMIT No. 525—W. H. Langlois, 610 44th St., West Palm Beach, Florida, to transport passengers for hire, Jan. 12, 1940.

PERMIT No. 526—William J. Sullivan, 262 Sunset Ave., Palm Beach, Florida, to transport passengers for hire, Jan. 12 1940.

PERMIT No. 527—Mrs. Dolly Favor, Winter Park, Florida, to transport passengers for hire, Jan. 13, 1940.

PERMIT No. 528—Lester B. Miller, 238 Sunrise Ave., Palm Beach, Florida to transport passengers for hire, Jan. 15th, 1940.

PERMIT No. 529—William G. Whitley, 53 N. E. First St., Miami, Florida, to transport passengers for hire, Jan. 16, 1940.

PERMIT No. 530—Kenneth A. Bradley, 528 Evernia St., West Palm Beach, Florida, to transport passengers for hire, Jan. 17, 1940.

PERMIT No. 531—Fred Ambrose, Jr., c/o Trailer Gardens, West Palm Beach Florida, to transport passengers for hire, Jan. 19, 1940.

PERMIT No. 532—C. Elwood Franklin, 605 S. "J" St., Lake Worth, Florida, to transport passengers for hire, Jan. 19, 1940.

PERMIT No. 532—C. Elwood Franklin, 605 S. "J" St., Lake Worth,

PERMIT No. 533—Raymond F. Clott, 319 Lakeside Court, Apt. 6, West Palm Beach, Florida, to transport passengers for hire, Jan. 19, 1940.

PERMIT No. 534—Robert F. Wagner, 630 40th St., West Palm Beach, Florida, to transport passengers for hire, Jan. 19, 1940.

PERMIT No. 535—Frederick Z. Zitell, 623 Gardenia St., West Palm Beach, Florida, to transport passengers for hire, Jan. 20, 1940.

PERMIT No. 536—Paul K. Frakes, St. Petersburg, Florida, to transport passengers for hire, Jan. 31, 1940.

PERMIT No. 537—Century Cab Company, Miami Beach, Florida, to transport passengers for hire, Jan. 31, 1940.

PERMIT No. 538—A. W. Breton Palm Beach, Florida, to transport passengers for hire, Feb. 2, 1940.

PERMIT No. 539—Theopholus E. Alexander, Punta Gorda, Florida, to transport passengers for hire, Feb. 1, 1940.

PERMIT No. 540—W. Quenton Presley, Ft. Myers, Florida, to transport passengers for hire, Jan. 31, 1940.

PERMIT No. 541—Elmer W. Stanley West Palm Beach, Florida, to transport passengers for hire, Jan. 31, 1940.

PERMIT No. 542—Clyde T. Holder, Miami, Florida, to transport passengers for hire, Jan. 27th, 1940.

PERMIT No. 543—C. W. Carr, Volusia, Florida, to transport passengers for hire, May 7, 1940.

PERMIT No. 544—Lester A. Butters, Palm Beach, Florida, to transport passengers for hire, May 7, 1940.

PERMIT No. 545—Carl Sirmons, St. Petersburg, Florida, to transport passengers for hire, May 7th, 1940.

PERMIT No. 546—Oscar L. Sanders, Daytona Beach, Florida, to transport passengers for hire, May 7th, 1940.

PERMIT No. 547—Alfred H. Dampfhofer, Palm Beach, Florida, to transport passengers for hire, May 7, 1940.

PERMIT No. 548—Oscar Paris, 320 Euclid Ave., Miami Beach, Florida, to transport passengers for hire, July 12, 1940.

PERMIT No. 549—Pete Fore, Ocala, Florida, to transport passengers for hire June 28, 1940.

PERMIT No. 550—J. L. Hart d/b/a Hart Machinery Company, Tampa, Florida, to transport freight, special heavy machinery, tanks and other articles too bulky and heavy for other common carriers to handle within the Tampa trade area, July 17, 1940.

PERMIT No. 551—O. G. Owen, d/b/a Sanford Cab Company, Sanford, Florida to transport passengers for hire, July 22, 1940.

PERMIT No. 552—Reuel B. Atkinson, Sr. d/b/a 391 Taxi Service, Tallahassee, Florida, to transport passengers for hire, August 21, 1940.

PERMIT No. 553—Thomas C. Crosland, Punta Gorda, Florida, to transport special freight, on occasional and unsolicited trips incidental to his local transfer business with the restriction that no transportation will be made to any point or points served by a common carrier either rail or motor. Sept 13, 1940.

PERMIT No. 554—R. G. Kidd, Jr., Starke, Florida, to transport passengers for hire, Sept. 21, 1940.

PERMIT No. 555—Yellow Cab Company, West Palm Beach, Florida, to transport passengers for hire, Oct. 9, 1940.

PERMIT No. 556—W. C. Burney, West Palm Beach, Florida, to transport passengers for hire, Oct. 17, 1940.

PERMIT No. 557—Florida Associates, Inc., Tallahassee, Florida, to transport passengers for hire, Aug. 31, 1940.

PERMIT No. 558—Causey C. Lee d/b/a City Taxi, Inc., West Palm Beach, Florida to transport passengers for hire, Oct. 22, 1940.

PERMIT No. 559—William O. Brown, 525 7th St., West Palm Beach, Florida, to transport passengers for hire, Nov. 19, 1940.

PERMIT No. 560—Walter Tesh, 310 Evernia St., West Palm Beach, Florida to transport passengers for hire, Nov. 19, 1940.

PERMIT No. 561—A. S. Dunha, Jr., 425½ North "J" St., Lake Worth, Florida to transport passengers for hire, Nov. 19, 1940.

PERMIT No. 562—B. Earl Pitman, 231 Walton Blvd., West Palm Beach, Florida, to transport passengers for hire, Nov. 19, 1940.

PERMIT No. 570—Blanch Takack, Sanford, Florida, to transport passengers for hire, Nov. 27, 1940.

PERMIT No. 571—Gunnar W. Lind, d/b/a Surfside Cab Co., 7820 Abbot Ave., Miami Beach, Florida, to transport passengers for hire, Dec. 30, 1940.

PERMIT No. 573—Clinton Harley d/b/a Pompano Cab Service, Pompano, Florida, to transport passengers for hire, Dec. 31, 1940.

PERMIT No. 574—Clyde T. Holder, 330 Michigan Ave., Miami Beach, Florida, to transport passengers for hire, Dec. 30, 1940.

PERMIT No. 575—George MacGowan, 356 South County Road, West Palm Beach, Florida, to transport passengers for hire, Dec. 28, 1940.

PERMIT No. 576—George F. Williams, 352 Tuxedo Court, St. Petersburg, Florida to transport passengers for hire, Dec. 27, 1940.

PERMIT No. 577—Peter J. Clerici, 1608 7th Ave., N. Lake Worth, Florida, transport passengers for hire, Dec. 27, 1940.

PERMIT No. 578—Martin A. Driscoll, Hotel Windsor, Jacksonville, Florida, to transport passengers for hire, Dec. 19, 1940.

PERMIT No. 579—H. O. Herring, St. Petersburg, Florida, to transport passengers for hire, Dec. 19, 1940.

PERMIT No. 580—Economy Taxi Company, 19 Fagan Arcade, West Palm Beach, Florida, to transport passengers for hire, Dec. 17, 1940.

PERMIT No. 581—Sid Levy, 1218 Drexel Ave., Miami Beach, Florida, to transport passengers for hire, Dec. 16 1940.

PERMIT No. 582—Milton C. Taylor, 926 Ortega Road, West Palm Beach, Florida, to transport passengers for hire, Dec. 16, 1940.

PERMIT No. 583—Fitzhugh L. Martin, to transport passengers for hire, Dec. 16, 1940.

PERMIT No. 584—Daniel I. Price, 414 Fern St., West Palm Beach, Florida, to transport passengers for hire, Dec. 16, 1940.

PERMIT No. 585—William H. Purnell, 213 South L. St., Lake Worth, Florida to transport passengers for hire, Dec. 16th, 1940.

PERMIT No. 589—Thrift Cabs, Inc., Jacksonville, Florida, to transport passengers for hire, Nov. 27, 1940.

PERMIT No. 590—George Kelly, Tallahassee, to transport passengers for hire, November 30, 1940.

PERMIT No. 591—Dave Teitch, 1410 Pennsylvania Avenue, Miami Beach, Florida, to transport passengers for hire, Nov. 30, 1940.

PERMIT No. 592—Jack Kessler, 837 Espanola Way, Miami Beach, Florida, to transport passengers for hire, Dec. 2, 1940.

PERMIT No. 593—Emerson A. Frey, 231 Walton Blvd, West Palm Beach, Florida, to transport passengers for hire, Dec. 3, 1940.

PERMIT No. 594—Charles Carlan, 325 N. Lakeside Court, West Palm Beach, Florida, to transport passengers for hire, Dec. 3, 1940.

PERMIT No. 595—Randolph Livingston, 428 Eleventh St., West Palm Beach, Florida, to transport passengers for hire, Dec. 9, 1940.

PERMIT No. 596—Alton Brumby, Tallahassee, Florida, to transport passengers for hire, Dec. 4, 1940.

PERMIT No. 597—Luther C. Kelly, Jr., Tallahassee Florida, to transport passengers for hire, Dec. 5, 1940.

PERMIT No. 598—C. Ellwood Franklin, 605 South J. St., Lake Worth, Florida to transport passengers for hire, Dec. 16, 1940.

PERMIT No. 612—A. J. Weekes, 4600 Sheridan Avenue, Miami Beach, Florida, to transport passengers for hire, Dec. 16, 1940.

PERMIT No. 614—Miami Beach Radio Cab & Baggage Company, Miami Beach, Florida, to transport passengers for hire, Dec. 28, 1940.

**THE FOLLOWING WRECKS WERE REPORTED BY TRUCK AND BUS
LINES TO THE RAILROAD COMMISSION FOR THE YEAR 1940**

**A. D. Cosson,
DeFuniak Springs, Florida.**

Date of Accident, July 15, 1940, seven miles north of DeFuniak Springs, Florida. Bus turned over caused by right front wheel going flat. No injuries.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident, January 6, 1940—Approximately two miles south of Maxville, Florida. Car and bus sideswiped. Driver of car back injury and broken ribs.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident, January 6, 1940—Approximately one mile south of Boca Raton, Florida. Trailer behind car whipped against side of bus. Trailer badly damaged. W. R. Bailey, driver of bus was wounded. Damage to equipment \$75.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident, January 22, 1940—One Mile North of Vero Beach, Florida. Bus hit truck stopped on road without lights and struck bridge railing. Two Passengers wounded. Equipment damage \$300.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident, March 14, 1940—Approximately five miles south of Stuart Florida. Southbound car with drunken driver swerved across road and hit front corner of northbound bus. Car badly damaged. Damage to equipment \$30.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident, March 18, 1940—Approximately 1½ miles north of Davenport, Florida. Truck and trailer veered across center line and

ran into left side of bus, then swerved back and went in ditch, turning over on its side. Truck and trailer almost demolished. Two passengers wounded. One other wounded. Damage to equipment \$400.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident April 2, 1940—Approximately one mile north of Ormond Beach, Florida. Approaching truck swerved to center of road and bus had to leave road to avoid head-on collision. Eight passengers wounded. Equipment damage \$200.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident April 3, 1940—Approximately 1½ miles east of Seffner Florida. Small truck tried to make left turn into driveway without signalling just as bus was passing. Five passengers wounded; others, one. Damage to equipment \$64.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident, April 13, 1940—Palatka, Florida. Bus stopped for railroad crossing and a car ran into back of bus. Car driver was under influence of alcohol and was arrested. Others wounded, two. Equipment damage \$20.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident August 13, 1940—DeLand, Florida. Boy delivering milk ran out into street without looking and was struck by bus. Others wounded, one. Equipment damage none.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident Sept. 5, 1940—Jacksonville, Florida. Car ahead of bus made sudden stop at road barricade. Bus struck rear of car. Others wounded, two. Equipment damage \$55.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident September 27, 1940—3 miles south of DeLand, Florida. Bus ran off road, striking a tree in an unsuccessful attempt to avoid hitting a pedestrian who ran out in front of the bus. The pedestrian was struck and fatally injured. Passengers wounded, one. Others, one killed. Equipment damage \$3,000.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident October 30, 1940—Approximately one mile north of Brooksville, Florida. While bus was stopped, discharging a passenger, a car hit it in the rear. Passengers wounded, one; others wounded, one. Damage to equipment \$10.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident November 12, 1940—Chiefland, Florida. Fruit truck rounding curve too fast tipped over, scraping entire length of bus and falling on its left side behind bus. Others wounded, one. Damage to equipment \$65.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident November 28, 1940—Cleveland St., Jacksonville, Florida. Car driven by intoxicated negro at excessive speed failed to make curve in street and skidded into front of stopped bus. Car driver was arrested and convicted of drunken, careless and reckless driving. Others wounded, one. Damage to equipment \$27.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident November 30, 1940—Lutz, Florida. Car pulled out from filling station at left side of road crossing to right side of road directly in front of bus. Distance was so short bus driver could not avoid collision by swerving or stopping. Damage to equipment \$50.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident December 2, 1940—Five miles south of Boca Raton, Florida. Northbound car pulled out of line and collided with southbound bus. Others killed, one. Damage to equipment \$500.00.

**Florida Motor Lines Corporation,
Jacksonville, Florida.**

Date of Accident December 3, 1940—Lakeland, Florida. Car started left turn directly in front of approaching bus and was struck at its right front wheel. Others wounded, one. Damage to equipment \$200.00.

**Glades "K" Motor Lines,
West Palm Beach, Florida.**

Date of Accident April 6, 1940— $\frac{1}{4}$ mile North of Pahokee, Florida. Child dashed onto highway from clump of trees directly in front of bus

which was moving about 40 miles per hour. Driver swerved to other side of road to avoid hitting child and ran bus into trees damaging it badly. Employees wounded, one; others killed, one. Equipment damage approximately \$500.00.

**L. W. Holstun & Son,
Ocala, Florida.**

Date of Accident February 29, 1940—Two miles north of Starke, Florida. Collision—cause of accident carelessness or negligence of driver of Chrysler sedan. Sedan swerved across road striking semi-trailer which was on the right or proper side of road. Others wounded, two. Damage to equipment \$25.00.

**Southeastern Greyhound Lines,
Jacksonville, Florida.**

Date of Accident Jan. 12, 1940—Two miles east of Whitehouse, Florida. Driver states that a truck stopped on road without lights and as two cars were coming from opposite direction he did not see the truck until within 25 feet of same. The right front side of bus collided with the left rear end of wood truck. The bus ran off the road on the left side into a pine thicket. Passengers wounded, four; employees wounded, one. Equipment damage \$1500.00.

**Southeastern Greyhound Lines,
Jacksonville, Florida.**

Date of Accident October 6, 1940—City limits of Jacksonville—Melson and U. S. No. 90. Three passengers were injured. Damage to equipment \$1,000.00. Making left turn in passing another car.

**Seaboard Air Line Railway,
Jacksonville, Fla.**

Date of Accident Feb. 9, 1940—Wildwood, Florida. Top of semi-trailer, left side, struck overhanging tree limb. Damage to equipment 500.00. Employees wounded, one.

**Seaboard Air Line Railway,
Jacksonville, Fla.**

Date of Accident April 5, 1940—About two miles east of Lake City, Florida. 1938 Ford coupe was driven out from filling station on to highway by party who was drunk and collided with right front wheel of Seaboard's tractor. Damage to equipment \$50.00.

**Seaboard Air Line Railway,
Jacksonville, Fla.**

Date of Accident June 15, 1940—One mile east of Tallahassee,

Florida. Tractor and semi-trailer ran into parked car—left on the highway. Damage to equipment approximately \$175.00.

**Seaboard Air Line Railway,
Jacksonville, Fla.**

Date of Accident June 24, 1940—Monticello, Florida. Monticello-Drifton bus was struck at intersection of Washington and Cherry Streets, by bicycle, after bus was stopped. Others wounded, one.

**Seaboard Air Line Railway,
Jacksonville, Fla.**

Date of Accident Oct. 8, 1940—About six miles north of Ocala, Florida. Reo tractor handling semi-trailer was traveling about six miles north of Ocala met a Chevrolet coach traveling northward at high rate of speed. When vehicle was within about 100 yards of truck, driver apparently turned vehicle to the right off edge of pavement and applied brakes, pulled vehicle back on pavement, at which time vehicle started spinning around on highway, and struck left side of tractor, before stopping. Damage to equipment \$70.00.

**Seaboard Air Line Railway,
Jacksonville, Fla.**

Date of Accident December 27 1940—4.1 miles west of Sanderson, Florida. Vehicle traveling at high rate of speed forced tractor off highway—sideswiping tree. Damage to equipment \$350.00.

**St. Andrews Bay Transportation Co.,
Dothan, Alabama.**

Date of Accident March 18, 1940—Marianna, Florida. In making turn between another truck standing close by and the building, got little too close to hanging awnings and top of trailer body caught front corner of awning, braking several angle iron supports and pulling the nails through corrugated roofing and otherwise damaging the awning to the extent of \$65.00.

**St. Andrews Bay Transportation Co.,
Dothan, Alabama.**

Date of Accident Sept. 21, 1940—Two miles south of Campbellton, Florida. In trying to pass wagon he found he did not have sufficient time to pass before the approaching car could clear. In applying brakes, the brakes to trailer did not respond as quickly as truck thereby causing trailer to swerve around and slide off the shoulder and turn over. Damage to equipment \$350.00.

**Union Bus Company,
Jacksonville, Florida.**

Date of Accident April 9, 1940—1½ miles west of Whitehouse, Florida. Sideswiped truck in passing. Others wounded, one. Damage to equipment \$400.00.

**Union Bus Company,
Jacksonville, Florida.**

Date of Accident May 19, 1940—Tallahassee, Florida. In meeting Ford coupe—which was on wrong side of road—the bus and coupe collided. Others killed, one; others wounded, one. Equipment damage \$1,000.00.

THE FOLLOWING PERMITS WERE CANCELLED 1940

Hensell W. Stubbs, Miami Beach, Florida.
L. Rappaport, Miami, Florida.
Samuel Cohen, Miami Beach, Florida.
Dallas Bowers, Winter Park, Florida.
H. B. Blazer, Jr., Punta Gorda, Florida.
Harry Villemagne, Miami Beach, Florida.
Frank E. Wells, St. Augustine, Florida.
Randolph Livingston, W. Palm Beach, Florida.
H. M. McCloy, W. Palm Beach, Florida.
Wm. G. Pezzulli, St. Petersburg, Florida.
W. A. Armstrong, Bradenton, Florida.
Emerson A. Frey, W. Palm Beach, Florida.
Rufus L. Purcell, W. Palm Beach, Florida.
Alfred Oatway, W. Palm Beach, Florida.
Fred H. Sandfort, Winter Park, Florida.
Theodore Groves, Miami Beach, Florida.
G. S. Macgown, W. Palm Beach, Florida.
Dick Wedekin, W. Palm Beach, Florida.
Wm. J. Black, W. Palm Beach, Florida.
Wm. F. Barnett, Miami Beach, Florida.
Luther T. Cone, W. Palm Beach, Florida.
Jacob Levine, Miami Beach, Florida.
Howard B. Helms, St. Petersburg, Florida.
Ray Crum, W. Palm Beach, Florida.
Clenton Harley, Pompano, Florida.
Ugene M. Haggerty, Jr., Palm Beach, Florida.
W. H. DeCamara, W. Palm Beach, Florida.
Thad O. Thompson, Bradenton, Florida.
Joseph Fischl, W. Palm Beach, Florida.
John Zeman, W. Palm Beach, Florida.
Philip L. Young, W. Palm Beach, Florida.

Wilfred H. Langlois, W. Palm Beach, Florida.
 Wm. J. Sullivan, W. Palm Beach, Florida.
 Lester B. Miller, Palm Beach, Florida.
 Kenneth A. Bradley, W. Palm Beach, Florida.
 Fred Ambrose, W. Palm Beach, Florida.
 C. Elwood Franklin, Lake Worth, Florida.
 Frederick B. Zitell, W. Palm Beach, Florida.
 Paul K. Franks, St. Petersburg, Florida.
 Century Cab Co., Miami Beach, Florida.
 Theopholus E. Alexander, Punta Gorda, Florida.
 Elmer W. Stanley, West Palm Beach, Florida.
 Clyde T. Holder, Miami Beach, Florida.
 Bledsoe Service, Winter Park, Florida.
 Dothan Transfer, Dothan, Alabama.
 Owen W. Ramsey, Palatka, Florida.
 Henry Isrial, St. Petersburg, Florida.
 Benjamin Franklin Morrison, St. Petersburg, Florida.
 Maurice Dow, Melbourne, Florida.
 Edward Duel, Passa-Grille, Beach, Florida.
 Chas. Prevatt, Ft. Myers, Florida.
 Chastain Transfer Co., Thomasville, Georgia.
 U Drive It Company of Miami, Florida.

COMMON CARRIERS

March 22, 1940.

B—Denotes Bus
 T—Denotes Truck

Name and Address and Type of Carrier	Certificate No.
B—Atlantic Greyhound Corporation 601 Virginia Street, Charleston, West Virginia	Nos. 1-A, 130 132 and 160
T—Atlantic Coast Line Railroad Co., Port Tampa, Florida	17
T—Acme Freight Lines, Inc., 141 Davis Street, Jacksonville, Florida	185
T—Brown Motor Freight Lines, Inc., Foot Newnan St., Jacksonville, Florida	91
T—Bee Line Transfer Company 237 S. Water Street, Tampa, Florida	9
B—Cosson, A. D., DeFuniak Springs, Florida	223

T—Central Truck Lines, Inc., 405 Eunice Street, Tampa, Florida	56
T—C. & H. Transfer & Storage Co., Ft. Lauderdale, Florida	147
B—Clarke Motor Lines, Donaldsonville, Georgia	214
B—Camp & Keystone Lines, Inc., Jacksonville, Florida	232
B—Florida Motor Lines, Inc., 1020 Barnett National Bank Bldg., Jacksonville, Fla.	8
B—Fort Myers Transit Company, Fort Myers, Florida, C. B. Franklin d/b/a	230
T—Fogarty Bros. Transfer Co., Inc., 824 12th Avenue, Bradenton, Florida	65
T—	
B—Florida East Coast Ry. Co., St. Augustine, Florida	188
T—Five Transportation Company, 301 Gloucester Street, Brunswick, Georgia	15
T—Flamingo Truck Lines, Inc., 2nd and Pearl St., Jacksonville, Florida	228
B—Gulf Coast Motor Lines, Inc., Tampa, Florida	162
B—	
T—Gator Motor Lines, Inc., St. Augustine Florida	208
B—Georgia Stages, Inc., Albany, Georgia	194
T—Green Bros. Transfer Co., Box 52, Clearwater, Florida	11
T—Great Southern Trucking Company, 1961 Clarkson Street, Jacksonville, Florida	180 and 52)
T—Hunt Truck Line, 302 N. Jefferson Ave., Tampa, Florida	166
T—Highway Transportation Company, Blountstown, Florida	128

T—K & L Transportation Company, Inc., 802 Ava Street, Waycross, Georgia	178
B—Kettner, Mary M, d/b/a Glades K Motor Line, 127 Sea Spray Avenue, West Palm Beach, Florida	108
B—Lee's Coach Lines, Marianna, Florida	4
B—Miller, John Oliver, St. Augustine, Florida	210
B—Myers, Fred W., 1116 N.W. 2nd Street, Miami, Florida	140
T—Marshall, Henry, Ft. Lauderdale, Florida	168
B—Monroeville Bus Company, Monroeville, Alabama	200
B—	
T—McJunkin, Wayne F., Box 194, Fernandina, Florida	42
B—Miami Opa Locka Bus Lines, Inc., 53 N.E. 1st St., Miami, Florida	229
T—Overseas Transportation Co., Inc., 228 S.W. North River Drive, Miami, Florida	146
B—Orlando Transit Co., Orlando, Florida	209
T—Peters Truck Line, 86 West King Street, St. Augustine, Florida	44
T—Grover Pittman d/b/a Pittman Truck Line, Pensacola, Florida	124
B—Redd, Henry J, d/b/a Monticello Bus Co., Tallahassee, Florida	123
B—	
T—St. Andrews Bay Transportation Co., Panama City, Florida	138
B—Southeastern Greyhound Lines, Inc., 67 Ellis Street, East, Atlanta, Georgia	1
B—Southern Tours, Inc., 25 Fourth St., North, St. Petersburg, Florida	60

T—Seaboard Air Line Railway Co., Receivers, Norfolk, Virginia	183
T—St. Johns River Line Company, Foot Ocean St., West Jacksonville, Florida	80
B—Suwannee River Bus Line, Homerville, Georgia	222
B—Suwannee & Gulf Stages, Mayo, Florida	220
B—Teche Lines, Inc., 400 Rampart St., North, New Orleans, Louisiana	18
B—Town-of-Pass-a-Grille, Pass-a-Grille Beach, Florida	90 90
B—	
T—Tamiami Trail Tours, Inc., 1010 East Lafayette St., Tampa, Florida	28
B—Union Bus Company, 124 Jefferson Street, Jacksonville, Florida	26
T—Union Express Freight Co., N.W. Corner Commerce and Conti Sts., Mobile, Ala.	94
T—University City Transfer, 226 W. Main St., South, Gainesville, Florida	89
B—Wise Motor Line, Crestview, Florida	216
B—	
T—West Florida Transportation Co., P. O. Box 626, Dothan, Alabama	211
B—Weaver, Eugene Mack, Bristol, Florida	231

CONTRACT CARRIERS

March 22, 1940.

Name and Address	Certificate No.
J. J. Blalock, Ocala, Florida	218
J. H. Buie, Gainesville, Florida	219

Blue's Truck Line, Inc., Live Oak, Florida	111
Collier Terminal Warehouse & Van Co., Ocala, Florida	226
Percy Cox, 597 N. W. 69th St., Miami, Florida	196
Coats Motor Transfer Co., Ft. Pierce, Florida	46
Cooper Truck Line, Rt. 5, Box 94, Jacksonville, Florida	75
C. J. Creeden, Orlando, Florida	203
G. J. Curran, Jacksonville, Florida	193
Florida Highway Express Co., Madison and Brush Sts., Tampa, Florida	61
Green Transfer Co., P. O. Box 52, Tampa, Florida	149
J. M. Gooding, Woodbine, Georgia	199
Kite Transfer, Gainesville	227
Holstun & Sons, Ocala, Florida	121
James, Mrs. Susie G., 7606 Nebraska Ave., Tampa, Florida	20
Kelley, J. J., Orlando, Florida	191
Lane, John G., Jacksonville, Florida	215
Peterson, L. L. Lakeland, Florida	369—Permit
National Convoy & Trucking Co., Box 781, Jacksonville, Florida	122
O'Steen, N. B., High Springs, Florida	205

Newhall, John E., Standard Oil Plant No. 1, Tampa, Florida	68
Petroleum Carrier Corporation, P. O. Box 677, Jacksonville, Florida	19
Ryder Trucking Co., 93 N. E. 20th Et., Miami, Florida	204
Ridgeway Transfer Co., Inc., Daytona Beach, Florida	131 and 129
Richards, Thomas L., West Palm Beach, Florida	225
Robinson Transfer, 641 N. Lexington Ave., Orlando, Florida	156
Shipe Trucking Co., Winter Haven, Florida	224
Smith, E. S., Jacksonville, Florida	190
Sarasota Transfer Company, Sarasota, Florida	217
Terminal Transfer Co., c/o A. & P. Tea Co., Jacksonville, Florida	192
Warehouse, Inc., Tampa, Florida	179
Yarnell Warehouse, Lakeland, Florida	201

LIMITED COMMON CARRIERS

March 22, 1940.

(HOUSEHOLD GOODS)

Name and Address	Certificate No.
American Transfer Company, Tampa, Florida	213
Abb's Transfer & Service Co., 700 N. Conception St., Mobile, Alabama	254
Aero Mayflower Transit Co., 1213 N. Meridian St., Indianapolis, Indiana	147
Arrow Transfer Co., Tampa, Florida	165

Ace Transfer, 842 1st Ave., North, St. Petersburg, Florida	335
Arnold & Son Transfer & Storage, 2600 W. Broadway, Louisville, Kentucky	266
Ace Transfer Co., Sarasota, Florida	149
Burgess, Arthur S., Ocala, Florida	149
Burnham Furniture Company, Columbus, Georgia	5
Brandon Transfer & Storage, 322 6th St., West Palm Beach, Florida	85
Brown Transfer & Storage Co., West Palm Beach, Florida	221
Blocker Transfer and Storage Co., Inc., St. Petersburg, Fla.	2
Cruikshank Motor Truck Service, Jacksonville, Florida	249
C. & H. Transfer & Storage Co., Ft. Lauderdale, Florida	147
City Transfer Co., Inc., Box 2870, Tampa, Florida	158
Colliers Terminal Warehouse & Van Company, Ocala, Florida	31
Coats Motor Truck, Ft. Pierce, Florida	311
Central Transfer & Storage Co., Tampa, Florida	163
Caldwell Bonded Warehouse, Inc., 101 12th St., Tampa, Florida	125
Cordell, Henry Elmer, Sanford, Florida	242
Dickinson, W. A. Transfer, 2335 N. Miami Ave., Miami, Florida	135
Delcher Bros. Storage Co., Inc., Jacksonville, Florida	116

DeLoach, S. L., New Smyrna, Florida	238
Flash Express & Storage Co., Inc., 251 S. W. 1st Court, Miami, Florida	301-A
Fidelity Storage & Warehouse Co., 53-61 W. Jackson St., Orlando, Florida	494
Ferris Warehouse & Storage Co., Pensacola, Florida	239
Fulford Van & Storage Co., 21 W. Central Ave., Orlando, Florida	105
Franklin's Transfer, P. O. Box 1983, Ft. Myers, Florida	153
Grubb, Paul Claude, 2054 Main St., Jacksonville, Florida	250
Goodall Transfer & Storage Co., Box 549, Tampa, Florida	123
Green Transfer Co., 1102 Ashley St., Tampa, Florida	149
Harrell Transfer & Storage Co., Tallahassee, Florida	1
Howard Transfer Co., 229 Boone St., Orlando, Florida	310
Hudson Transfer Co., Columbus, Georgia	108
Haywood, Ben, 1404½ Tampa St., Tampa, Florida	16
Holland Transfer Co., Lakeland, Florida	87
Hill's Transfer, Tallahassee, Florida	258
Johnson, Bill Transfer Co., 710 5th Ave. North, St. Petersburg, Florida	158
Johansen, Walter, Pensacola, Florida	636
Kite Transfer, 440 W. Orange St., Gainesville, Florida	76

Kennelly Transfer & Storage Co., Jacksonville, Florida	134
Lerette, A. J., 3325 N. W. 5th Ave., Miami Beach, Florida	351
Lee Terminal & Warehouse Co., Box 1303, Tampa, Florida	127
Leonard Bros. Transfer & Storage, 1944 N. W. 7th Ave., Miami, Florida	169
Moed's Transfer Co., Jacksonville, Florida	5
Miller, John C., Miami, Florida	212
Ploof, H. C. Transfer Co., South Jacksonville, Florida	138
Robinson, E. E., 506 Macy St., Orlando, Florida	304
Rapid Express Co., 73 E. Church St., Jacksonville, Florida	119
Roberts M. O., DeLand, Florida	8
Sanders Transfer & Storage Co., 129 8th Ave. North, Nashville, Tennessee	293
Shaw Furniture Transfer, 1817 Liberty St., Jacksonville, Florida	40
Southern Transfer & Storage Co., Inc., 1901 5th Ave. South, St. Petersburg, Florida	41
Settle Moving Packing & Storage Co., 635 W. Main St., Louisville, Kentucky	302
Suddath Moving & Storage Co., 315 19t E. Bay St., Jacksonville Florida	88
Service Transfer, 405 S. Poinsettia Ave., West Palm Beach, Florida	240
Suddath Moving & Storage Co., 1727 Grand Central Ave., Tampa, Florida	130
Sarasota Transfer & Storage Co., Sarasota, Florida	164

Twiss Transfer Co., 842 4th Ave., St. Petersburg, Florida	122
Tompkins M. E., Lake City, Florida	241
Triangle Express Co., 1447 Drexel Ave., Miami Beach, Florida	307
Union Transfer & Storage Co., 316 N. E. 14th St., Miami Beach, Florida	256
Van Horn Transfer & Storage Co., Panama City, Florida	7
Weathers Bros. Transfer Co., Inc., 733 Boulevard N. E., Atlanta, Georgia	298
White Star Line, 413 W. Main St., Ocala, Florida	66
Weathers, Carey F. Transfer & Storage Co., Augusta, Georgia	303
Withers, John E. Transfer Co., 1000 N. E. First St., Miami, Florida	118
Woodside, John J. Storage Co., 259 Edgewood Ave., Atlanta, Georgia	2
Walker Warehouse, Inc., 521 Peachtree St. N. E.	3
Washington Storage Co., Inc., 1001 Washington Ave., Miami Beach, Florida	248
White, A. C. Transfer & Storage, 414 Edgewood Ave., Atlanta, Georgia	306
Yarnall Warehouse & Transfer Co., Lakeland, Florida	133
Zorn Transfer Co., Palatka, Florida	6

SPECIAL PERMIT CARRIERS AND CERTIFICATE CARRIERS

March 22, 1940.

Name and Address	Permit No.
Burgess, Arthur S., Ocala, Florida	149
Blowers, Tom H., 1271 Hollywood Ave., Jacksonville, Florida	401
Bowden, Leroy Mainard, Perry, Florida	430
Crosland, Thomas C., Punta Gorda, Florida	553
Cruikshank Motor Truck Service, Jacksonville, Florida	249
Cordell, Henry Elmer, Sanford, Florida	242
Dickinson, W. A. Transfer, 2335 N. Miami Ave., Miami, Florida	135
Fry, Emil, High Springs, Florida	497
Franklin's Transfer, P. O. Box 1983, Ft. Myers Florida	153
Fidelity Storage & Warehouse Co., Orlando, Florida	494
Gatlin James Frank, Jacksonville, Florida	141
Growers & Shippers Transfer Co., Pompano, Florida	140
Hart Machinery Co., 2623 4th Ave., Tampa, Florida	550
Hollywood Storage & Transfer, Hollywood, Florida	498
Holstun, L. W., Ocala, Florida	284
Hull, Roscoe L, Ft. Lauderdale, Florida	47

Kniffin Transfer Co., 240 S. W. River Drive, Miami, Florida	3
Kennelly Transfer & Storage Co., 724 Pippin St., Jacksonville, Florida	134
Leonard Bros. Transfer & Storage Co., 1944 N. W. 7th Ave., Miami, Florida	169
Metzger, L. E., Fernandina, Florida	368
McFarlin, Marcus N., Tampa, Florida	361
Ploof H. C. Transfer, South Jacksonville, Florida	138
Slauson, Albert Erwin, 615 Brookhaven Drive, Orlando, Florida	189
Tompkins, M. E., Lake City, Florida	241
Union Transfer & Storage Co., 316 N. E. 14th St., Miami, Florida	256
White Star Line, 413 W. Main St., Ocala, Florida	66
Withers, John E. Transfer Co., 1000 N. E. First St., Miami, Florida	118

CERTIFICATE OF REGISTRATION

A & M Return Load, 3846 Montgomery Ave., Norwood, Ohio.	Alabama Transfer & Storage Co., 501 N. Perry Street, Montgomery, Alabama.
Alaco Express Co., Inc., 3519 Page Blvd., St. Louis, Mo.	Alabama Highway Express, Inc., 913 N. 6th Avenue, Birmingham, Alabama.
Allied Van Lines, Inc. 1018 S. Wabash Avenue, Chicago, Illinois.	Biloxi Tr. and Stg. Co., Inc., 440 Reynoir St., Biloxi, Miss.
Anaconda Van Lines, 2735 Lincoln Avenue, Chicago, Illinois.	Blanchard, Henry M., 570 S. Crest Road, Chattanooga, Tennessee.
Atlantic Stages, Savannah, Georgia,	Brown Transfer & Storage Co., Rome, Georgia.

Baggett Transport Co., Inc.,
2417 First Avenue South,
Birmingham, Alabama.

Burnett, George F. Co., Inc.,
1204 Prairie Avenue,
South Bend, Ind.

Brockett, C. B.,
324 Broad Street,
Bainbridge, Georgia.

Benton Brothers Film Express,
192 Luckie Street,
Atlanta, Georgia.

Carolina Tr. & Stg. Co., Inc.,
1230 W. Marchheads Street,
Charlotte, N. C.

Chattanooga Tr. & Stg. Co., Inc.,
915 Carter Street,
Chattanooga, Tennessee.

Central Van & Storage Co.,
521 8th Avenue,
Nashville, Tennessee.

Continental Carriers, Inc.,
215 Courtland St., N. E.,
Atlanta, Georgia.

Continental Van Lines,
Box 6, N. 21st Street,
Birmingham, Alabama.

Clark, James M.,
Nashville, Tennessee.

Chancey, Lewis Gerald,
Hartford, Alabama.

Chastain Transfer Company,
Thomasville, Georgia.

Cole, Jack Co.,
3021 4th Ave. S.,
Birmingham, Ala.

Dealers Transport Co.,
7009 S. Chicago Ave.,
Chicago, Illinois.

Deaton Truck Line,
2330 4th Ave. N.,
Birmingham, Alabama.

Dunn Brothers Trucking Co.
1410 Magnolia Bldg.
Dallas, Texas.

Dixie Transport Co.,
700 Atlantic Natl. Bank Bldg.,
Atlanta, Georgia.

Dove, John H.,
110 S. St. Andrews St.,
Dothan, Alabama.

Edelen Transfer & Storage Co.,
709 11 N. Broadway,
Knoxville, Tennessee.

Ellis Moving Co. & Safe Van Lines,
235 Main Street,
Nashville, Tennessee.

Elmour, G. E.,
Dothan, Alabama.

Ford Brothers Van & Stg. Co.,
1024 Dodge Street
Omaha, Nebraska.

Furgate & Girton Driveway Co.,
Brazil, Indiana.

Fiviash, A. E. and C. O.,
Brunswick, Georgia.

Greatlakes Driveway Corp.,
833 73 Street,
Cleveland, Ohio.

Greyvan Lines, Inc.,
1308 S. Michigan Ave.,
Chicago, Illinois.

Gathergood, Roy,
Monroeville, Ohio.

Harris Transfer & Whse. Co.,
8 S. 13th Street,
Birmingham, Alabama.

Howard Hall Co., Inc.,
2809 Second Ave. South,
Birmingham, Alabama.

Horn, Lawrence R.,
1010 S. St. Andrews St.,
Dothan, Alabama.

Juett, Howard W.,
215 E. 2nd St.,
Cincinnati, Ohio.

K & L Transfer Company,
Waycross, Georgia.

Kenosha Auto Transport Corp.,
Kenosha, Wisconsin.

Keal, I. E.,
810 E. 82nd St.,
Cleveland, Ohio.

Lawrence Brothers,
Chapel Hill, Tennessee.

McClendon, Glen,
Lafayette, Alabama.

McDowell Transport, Inc.,
Miami, Florida.

McAlister Transfer Co.,
Charleston, S. C.

Morris, S. J.,
1365 Division Place S. W.,
Atlanta, Georgia.

Mrazek, J. A. Tr. & Stg. Co.,
511 Locust Street,
St. Louis, Missouri.

Malone Horse Transport Co.,
Coral Gables, Florida.

Monroe County Van Lines
205 N. Royal St.,
Mobile, Alabama.

McGehee E. R.,
d/b/a McGehee Tr. & Stg. Co.,
140 Wesley Ave.,
Jackson, Mississippi.

Motor Convoy Company, Inc.,
678 Ford Place N. E.,
Atlanta, Georgia.

Maxwell, William Ray,
Tallahassee, Florida.

O K Storage & Transfer Co., Inc.,
161 Jefferson Avenue,
Memphis, Tennessee.

Pan-American Bus Lines,
Jacksonville, Florida.

Pendleton, William F.,
Valdosta, Georgia.

Philadelphia Detroit Lines, Inc.,
917 W. Adams Street,
Jacksonville, Florida.

Pyramid Moving Co.,
3739 E. 93rd Street,
Cleveland, Ohio.

Quidley, Hattie A.,
Charleston, N. C.

R. C. Motor Lines,
High Point, N. C.

Red Comit Van Lines, Inc.,
458 W. 40th Street,
New York City.

Russell C. House Tr. & Stg. Co.,
135 Auburn Avenue
Atlanta, Georgia.

Sanders, Raymond R.,
1528 N. Main Street,
Springfield, Missouri.

Service Driveway Corp.,
Detroit, Michigan.

Smith, Ralph G.,
205 North Penn Street,
West Chester, Pa.

Sloan's Moving & Storage Co.,
1167 Hodiarnont Ave.,
St. Louis, Missouri.

Shaff, D. B.,
604 Cotton St. Bldg.,
Nashville, Tenn.

Sober, Howard, Inc.,
1108 S. Wash. Ave.,
Lansing, Michigan.

Sullivan, Long & Hagerty, Ltd.,
Bessemer, Alabama.

Trawick, S. E.,
Bay Minette, Alabama.

Transportation, Inc.,
Atlanta, Georgia.

Thompkins, W. H. Co., Inc.,
Nashville, Tennessee.

Truckaway Corp.,
342 Raeburn Street,
Pontiac, Michigan.

United Security Assoc. Whse. Inc.,
243 W. 60th Street,
New York City.

Wimberly Transfer,
Valdosta, Georgia.

Wise Motor Line,
Crestview, Florida.

PASSENGER PERMITS

Adams, L. L., Sr.,
182 N. W. 45th St.,
Miami, Florida.

Aylware, E. Lawrence,
Palm Beach, Florida.

Ambrose, Fred A.,
Riviera, Florida.

Alexander, T. E.,
Olympia Avenue,
Punta Gorda, Florida.

Armstrong, W. A.,
Bradenton, Florida.

Ace Cabs Company,
1031 Fifth Street,
Miami, Florida.

Allison, Truman E.,
415 Eleventh Street,
West Palm Beach, Florida.

Acme Cab Company,
340 Twenty-third St.,
Miami Beach, Florida.

Adelson, Elkin M.,
944 5th Street,
Miami Beach, Florida.

Bradley, Keneth A.,
West Palm Beach, Florida.

Brown, Wm. O.,
West Palm Beach, Florida.

Burroughs Cab Co., Inc.,
Winter Haven, Florida.

Brumby, Alton,
Tallahassee, Florida.

Breton, A. E.,
c/o Sun and Surf Club,
Palm Beach, Florida.

Bachstet, William F.,
519 Pilgrim Road,
West Palm Beach, Florida.

Barrenblatt, Sol,
202 Ocean Drive,
Miami Beach, Florida.

Brown, William,
1413 N. W. 4th Ave.,
Miami, Florida.

Boyd, Dan,
Hollywood, Florida.

Binder, A. H.,
218 Fifth Street,
Miami Beach, Florida.

Blue, Harman,
Lake Worth, Florida.

Barenblatt, F. R.,
641 Meridian Ave.,
Miami Beach, Florida.

Barrenblatt, Henry R.,
202 Ocean Drive,
Miami Beach, Florida.

Berger, Sigmund,
744 Jefferson Ave.,
Miami, Florida.

Blue and Gray Cab Co.,
115 W. Flagler Street,
Miami, Florida.

Bell, Edward,
437 Collins Ave.,
Miami Beach, Florida.

Butters, Lester A.,
No. 15 Everglades Arcade,
Palm Beach, Florida.

Black, Wm.,
West Palm Beach, Florida.

Carlen, Chas.,
West Palm Beach, Florida.

City Storage Garage,
(Florence L. Sanfort)
Winter Park, Florida.

Clott, Raymond F.,
319 Lakeside Court Apt.,
West Palm Beach, Florida.

City Cab Company, Inc.,
243 Orange Avenue,
Orlando, Florida.

City Taxi Co.,
113 N. Dixie,
West Palm, Beach, Florida.

Club Transportation Service, Inc.,
Coral Gables, Florida.

Cone, Luther T.,
408 Jessamine St.,
West Palm Beach, Florida.

Catikos, Thomas,
No. 1 Smith Cottage,
Miami Beach, Florida.

Clerici, Peter,
Lake Worth, Florida.

Cole, Bert L.,
Gasparilla, Florida.

George, Charles,
P. O. Box 143,
Riviera, Florida.

Chauncey, Bernard,
Miami Beach, Florida.

Carr, Charles W.,
31 N. Peninsular Drive,
Daytona Beach, Florida.

DaCamara, W. H.,
West Palm Beach, Florida.

Durham, A. S., Jr.,
Lake Worth, Florida.

Diamond Cab Company,
2003 Grand Central Ave.,
Tampa, Florida.

Deuchare, E. R.,
Hollywood, Florida.

Durham, W. R.,
508 "O" Street,
West Palm Beach, Florida.

Dovsky, Louis,
540 Washington Ave.,
Miami Beach, Florida.

Daley, J. F.,
628 Evernia Street,
West Palm Beach, Florida.

Dampfhofer, Alfred H.,
304 Guaranty Building,
West Palm Beach, Florida.

Economy Cab,
West Palm Beach, Florida.

Eskriggs, Charlotte,
2234 W. Harding St.,
Hollywood, Florida.

Economy Cab Co. of Tampa,
8017 Nebraska Loop,
Tampa, Florida.

Economy Cab Company,
Orlando, Florida.

Ellis, James T.,
120 East Park Avenue,
Winter Park, Florida.

Flamingo Taxi,
Delray Beach, Florida.

Florida Associates, Inc.,
Tallahassee, Florida.

Foster, George,
Winter Park, Florida.

Farrell, Joseph J.,
826 Collins Avenue,
Miami Beach, Florida.

Flamingo Taxi Service, Inc.,
Miami Beach, Florida.

Frosch, William
c/o Everglades Club, Worth Ave.,

Fisher, D. W.,
Miami, Florida.

Frazin, Nate,
520 Ocean Drive,
Miami Beach, Florida.

Freeman, Henry,
Box 913,
Miami Beach, Florida.

Farrow, Lester L.,
Lake Worth, Florida.

Favor, Mrs. Dolly,
114 E. Park Avenue,
Winter Park, Florida.

Florida Cab Company,
Florida and Broad,
Tampa, Florida.

Fox, Edmund,
Fore, Pete,
Ocala, Florida.

Frey, Emerson,
West Palm Beach, Florida.

Franklin, C. E.,
Lake Worth, Florida.

Franko, Joe,
1068 4th St. North,
St. Petersburg, Florida.

Frakes, Paul K.,
515 Kirkwood Terrace,
St. Petersburg, Florida.

Gilbert, W. A.,
2223 2nd Ave. West
St. Petersburg, Florida.

Gray Cab Co.,
Tallahassee, Florida.

Happy Landing Cab,
Opalocka, Florida.

Haggerty, Eugene,
West Palm Beach, Florida.

Holder, Clyde,
Miami Beach, Florida.

Harley, Clenton,
Pompano, Florida.

Hill's, Inc.,
25 4th St. North,
St. Petersburg, Florida.

Helmich, George,
West Palm Beach, Florida.

- Hinde, A. T.,
611 10th St., North
St. Petersburg, Florida.
- Hatfield, Harold M.,
Daytona Beach, Florida.
- Headland, Frank,
Royal Park Garage Apts.,
Palm Beach, Florida.
- Hall, M. F.,
6 S. Ft. Harrison Ave.,
Clearwater, Florida.
- Hever, Jack B.,
St. Petersburg, Florida.
- Helms, Howard B.,
St. Petersburg, Florida.
- Jackson, John E.,
3604 Arlington Ave.,
Tampa, Florida.
- Johnson, J. Earl,
324 20th Street,
West Palm Beach, Florida.
- Johnson, N. T.,
West Palm Beach, Florida.
- Kidd, R. G., Jr.,
Starke, Florida.
- Kessler, Jack,
Miami Beach, Florida.
- Kettner, Mary M.,
310 Evernia Street,
West Palm Beach, Florida.
- Kay, Murray,
822 Lenox Ave.,
Miami Beach, Florida.
- Knopp, Bernard,
704 First Street,
Miami Beach, Florida.
- Kibbe, Mrs. Ida W.,
227 Sunset Avenue,
Palm Beach, Florida.
- Lind, Phillip,
c/o City Hall,
Bradenton, Florida.
- Luterman, John
Sarasota, Florida.
- Lucas, Joseph F.,
Brafford Apts., Pilgrim Rd.,
West Palm Beach, Florida.
- Lantz, Leon Chapman,
153 Phelps Street,
Jacksonville, Florida.
- Lord, E. B.,
Sarasota, Florida.
- Lind, Gunnar W.,
Miami Beach, Florida.
- Livingston, Randolph,
West Palm Beach, Florida.
- Langlois, Welfried H.,
West Palm Beach, Florida.
- Levine, Maurice,
Miami Beach, Florida.
- Levy, Sid,
Miami Beach, Florida.
- Miami Beach Radio Cab &
Baggage Co.,
Miami Beach, Florida.
- McMillan, J. T.,
Lake Worth, Florida.
- McGowan, Geo.,
West Palm Beach, Florida.
- Miami Sedan Service,
325 E. Flagler Street,
Miami, Florida.
- Miller, J. O. Cab Co.,
St. Augustine, Florida.
- Miami For Hire Car Assoc., Inc.,
11 N. E. Third St.,
Miami, Florida.

Mountain Lake Corp.,
Lake Wales, Florida.

Murphy, David,
P. O. Box 2361,
Palm Beach, Florida.

Muller, Edwin T.,
1310 Avenue "A",
West Palm Beach, Florida.

Mount, Seeley P.,
c/o Tropical Cab Company,
Miami Beach, Florida.

McKnight, James,
Maitland, Florida.

Martin, F. L.,
West Palm Beach, Florida.

Miller, H.,
Miami Beach, Florida.

Martin, Ralph,
171 Root Trail,
Palm Beach, Florida.

Miller, Lester B.,
238 Sunrise Ave.,
Palm Beach, Florida.

Nimmons, Orin M.,
715 6th Avenue South,
St. Petersburg, Florida.

Neal, Frederick Joseph,
617 50th Street,
West Palm Beach, Florida.

O'Neal, Ilda,
601 Wildwood Way,
Clearwater, Florida.

Palmer, Percy F.,
756 Bay St., N. E.,
St. Petersburg, Florida

Parsons, Archibald F.,
435 S. Osceola Street,
Orlando, Florida.

Pennell, George E.,
P. O. Box 898,
Palm Beach, Florida.

Pitman, B. Earl,
West Palm Beach, Florida.

Price, Daniel I.,
West Palm Beach, Florida.

Purnell, Wm. H.,
Lake Worth, Florida.

Paris, Oscar,
Miami Beach, Florida.

Phillips, George Eddie,
145 N. W. 62nd Street,
Miami, Florida.

Pomeroy, George W.,
105 Second Ave., N. E.,
St. Petersburg, Florida.

Pfafflin, George W.,
416 Fifty-second St.,
West Palm Beach, Florida.

Pritchard, Wilbert R.,
300 23rd Street,
Miami, Florida.

Presley, W. Quinton,
Ft. Myers, Florida.

Public Service,
Miami Beach, Florida.

Rogel, Albert,
No. 7 Smith Cottage,
Miami Beach, Florida.

Raymond, Gould,
Daytona Beach, Florida.

Revell, G. B.,
Tallahassee, Florida.

Rines, George Henry, Jr.,
231 Main Street,
Palm Beach, Florida.

L. L. Adams, Jr. d/b/a
Red Adams For Hire Cars,
Miami, Florida.

Rich, Capt. Harry C.,
1949 Madison Street,
Hollywood, Florida.

Rollings, George T.,
23 Hogan Street,
Jacksonville, Florida.

Rubin, Joe,
203 Collings Ave.,
Miami Beach, Florida.

Rogers, D. R.,
Sebring, Florida.

Royal Palm Sightseeing Co.,
44 S. W. 8th Street,
Miami, Florida.

Ridgeway Transfer Co., Inc.,
Daytona Beach, Florida.

Richardson, F. G.,
724 3rd Street North,
St. Petersburg, Florida.

Red Top Cab & Baggage Co.,
44 S. W. 3rd Street,
Miami, Florida.

Rite Rate Cab Company,
110 Central Avenue,
St. Petersburg, Florida.

Sanford Cab Co.,
Sanford, Florida.

Sherwood, Lawrence Fenton,
Melbourne, Florida.

Slaick, Earl H.,
Hollywood, Florida.

Segal, Annie,
100 Ocean Drive,
Miami Beach, Florida.

Singer, Sall,
66 Collins Ave.,
Miami Beach, Florida.

St. Augustine Transfer Co.,
St. Augustine, Florida.

Storjohan, Mrs. Cecelia,
Winter Park, Florida.

Springer Motor Company,
Hollywood, Florida.

Sun Cab Company, Inc.,
108 Fourth Street, South,
St. Petersburg, Florida.

Sargent, Walter W.,
839 Hansen Street,
West Palm Beach, Florida.

Sam's Taxi Travel & Baggage
Service, Inc.,
Coral Gables, Florida.

Safety Cab Company, Inc.,
Jacksonville, Florida.

Spangoli, Theodore
Hollywood, Florida.

Swaggerty, C. L.,
Ft. Lauderdale, Florida.

Scheartz, Henry,
132 8th Street,
Miami Beach, Florida.

Seaman, Ralph Henry,
Miami Beach, Florida.

Sirota Michael,
600 5th Street,
Miami Beach, Florida.

Sanders, Oscar L.,
218 North Atlantic Ave.,
Daytona Beach, Florida.

Sirmons, Carl,
1627-27 Avenue No.,
St. Petersburg, Florida.

- Stanley, E. N.,
West Palm Beach, Florida.
- Thrift Cab Co.,
Jacksonville, Florida.
- Taylor, Milton C.,
West Palm Beach, Florida.
- Trotter Taxi,
Ocala, Florida.
- Tesh, Walter,
310 Evernia St.
West Palm Beach, Florida.
- Tweer, Victor,
253 Atlantic Ave.,
Palm Beach, Florida.
- Tribeck, W. E.,
230 E. 7th Street,
Jacksonville, Florida.
- Tobin, Ralph,
Hollywood, Florida.
- Thomas, James H.,
1162 Highland St., North,
St. Petersburg, Florida.
- Tedder, Thomas Horace,
Lake Wales, Florida.
- Takash, Carl A.,
Sanford, Florida.
- James L. Trotter,
Ocala, Florida.
- Underhill, G. H.,
Ormond Beach, Florida.
- Usher's Garage & Taxi
Service, Inc.,
219 29th Street,
Miami Beach, Florida.
- Upton, Harold F.,
519 Sunset Road,
West Palm Beach, Florida.
- Upper Saranac Co., Inc.,
Daytona Beach, Florida.
- Varney, Allen V., Inc.,
526 15th Ave., N. E.,
St. Petersburg, Florida.
- Villemagne, Harry L.,
426 Euclid Avenue,
Miami Beach, Florida.
- Venetian Way Coaches,
1142 N. W. 6th St.,
Miami, Florida.
- Viscount, Alfred,
West Palm Beach, Florida.
- Weeks, A. J.,
Miami Beach, Florida.
- Williams Geo. F.,
St. Petersburg, Florida.
- Williams, James C.,
Trailer Garden,
Okeechobee Road,
West Palm Beach, Florida.
- Wagner, Robert F.,
620 40th Street,
West Palm Beach, Florida.
- White Line Cabs, Inc.,
1545 Alton Road,
Miami Beach, Florida.
- Wilson, C. R.,
Box 265,
Hollywood, Florida.
- Anton Wacker,
445 Brazilian St.,
Palm Beach, Florida.
- Walker, L. A.,
2132 Second Avenue,
St. Petersburg, Florida.
- Walrad, J. M.,
118 Hammond Ave.,
Palm Beach, Florida.

Wallenstein, Myer,
100 Ocean Drive,
Miami Beach, Florida.

Yellow Cab Co.,
West Palm Beach, Florida.

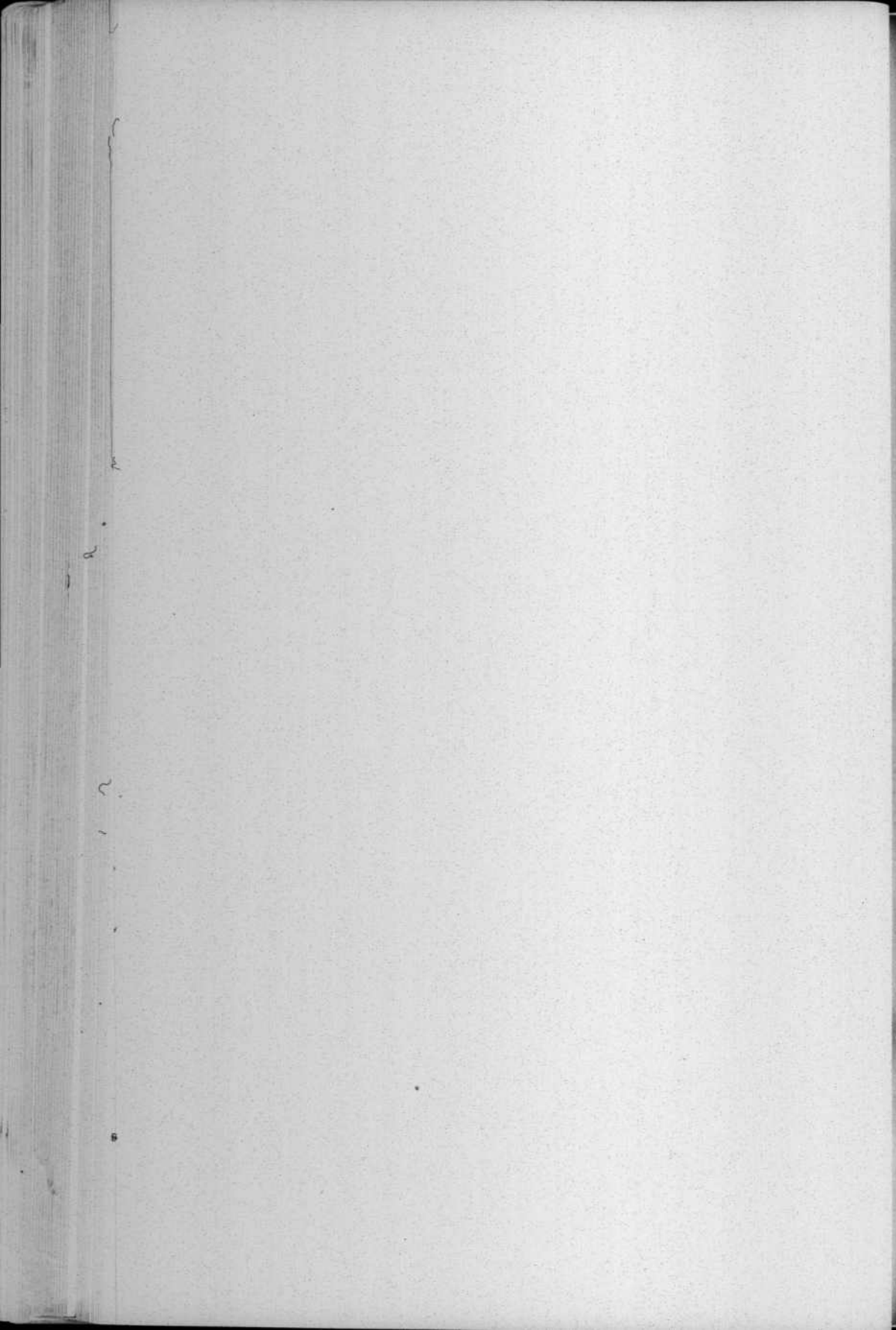
Yellow Cab & Transfer Co., Inc.,
St. Petersburg, Florida.

Yellow Taxicab & Transfer Co.,
M. J. Carleto,
Tampa, Florida.

Yasner, Stanley,
1402 Collins Avenue,
Miami Beach, Florida.



Motor Transportation Orders



ORDER NO. 1249,

DOCKET NO. 233.

IN RE: COMPLAINT AGAINST ACME FREIGHT LINES, INC., OF JACKSONVILLE, FLORIDA, FOR VIOLATION OF THE LAW LIMITING THE GROSS WEIGHT OF MOTOR VEHICLES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1206 dated November 24, 1939, Acme Freight Lines, Inc., was found guilty of having violated the law by operating motor vehicles with a gross weight in excess of that allowed by law and penalties were assessed against it as shown in said order, one of said penalties being the payment of a fine of \$100.00.

2. It now appears that the fine imposed by said Order No. 1206 has been paid.

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of said fine be and it is hereby accepted as full satisfaction of the judgment entered against Acme Freight Lines, Inc., by Order No. 1206 and said judgment is hereby CANCELED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in Session at its office in the City of Tallahassee, Florida, this 18th day of January, 1940.

ORDER NO. 1250,

DOCKET NO. 100-13.

IN RE: APPLICATION OF TAMiami TRAIL TOURS, INC., OF TAMPA, FLORIDA, FOR EXTENSION OF ITS CERTIFICATE TO OPERATE IN COMMON CARRIAGE OF PASSENGERS, BAGGAGE OF PASSENGERS AND LIGHT EXPRESS BETWEEN TAMPA, FLORIDA, AND MACDILL FIELD, UNITED STATES ARMY AIR BASE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on January 11, 1940, pursuant to Notice No. 629 The following appeared:

A. Pickens Coles of Tampa, Florida, represented the applicant.

2. Tamiami Trail Tours, Inc., seeks an extension of its common carrier Certificate of Public Convenience and Necessity No. 28, to include

the transportation of passengers between Tampa, Florida, and MacDill Field, the new Army Air Base, which is located approximately seven miles south of Tampa and which covers the entire southern tip of the peninsula separating Old Tampa Bay and Hillsboro Bay. The construction of the new Air Base has recently begun and in order to meet an emergency need for transportation of workmen to and from Tampa, the applicant on December 20th was informally granted temporary authority to institute service.

3. The evidence presented shows conclusively that there is, and will be increasingly in the future, need for regular bus service between Tampa and MacDill Field. The intervening territory is also in need of service. There is no other bus or rail service at the present time. The applicant also expressed its willingness to serve Port Tampa City, which adjoins the Air Base property on the North and West, as soon as a paved highway to that point is completed.

4. The applicant also presented testimony to show that the territory sought to be served is not adjoining suburban territory to the City of Tampa and the Commission is of opinion that it is not adjacent territory within the meaning of the exemption contained in Section 30 of Chapter 14764, Laws of Florida, Acts of 1931, as amended, so that the operation is properly under the jurisdiction of this body. It is approximately nine or ten miles from the center of Tampa to the center of the Air Base and more than six miles from the city limits of Tampa to the Northern boundary of the government property. The evidence shows this intervening area to be sparsely settled rural land and most of it beyond the continuously developed sections adjoining Tampa.

5. The applicant has filed no rates or schedules covering the proposed operation and requests, in view of the peculiar nature of the traffic and its changing conditions as construction of the Air Base continues, the privilege of filing rates and schedules at a later date after the experience of a period of operation. This request is granted with the understanding that proposed rates and schedules will be filed for approval within a reasonable time.

6. Applicant also requests that no definite route be fixed as there are several different routes out of Tampa in the direction of MacDill Field and certain proposed highways into the reservation are not completed. The Commission, however, will require operation over the following route (the one now being used) until further order is issued:

Tampa Union Bus Terminal to Platt Street, on Platt Street to Howard Avenue (City limits), on Howard Avenue to Morrison Avenue, on Morrison Avenue to Lisbon Avenue, on Lisbon Avenue to Hills Avenue, on Hills Avenue and extension thereof to North entrance of MacDill Field. Return over the same routes.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Tamiami Trail Tours, Inc., for the extension of its Certificate of Public Convenience and Necessity No. 28, to include the transportation of passengers and light express between Tampa, Florida, and MacDill Field, the United States Army Air Base, be and the same is hereby **GRANTED**.

It is further **ORDERED** that rates and schedules for the above operation shall be filed for approval within a reasonable time, not to exceed three months; that the operation shall be conducted over the route described above until the further order of this Commission; and that the applicant shall serve Port Tampa City when a highway to that point has been completed.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of January, 1940.

ORDER NO. 1251.

DOCKET NO. 349.

IN RE: APPLICATION OF P. T. MALONE DOING BUSINESS AS MALONE HORSE PULLMAN SERVICE, CORAL GABLES, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A LIMITED COMMON CARRIER TRANSPORTING RACE HORSES FROM HIALEAH, FLORIDA, TO TROPICAL PARK RACE TRACK AND RETURN, AND FROM BOTH OF SAID HORSE RACE TRACKS IN DADE COUNTY TO HOLLYWOOD RACE TRACK, HOLLYWOOD, FLORIDA, OVER FEDERAL HIGHWAY NO. 1.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1218 dated December 5, 1939, a majority of this Commission denied the application of P. T. Malone doing business under the name of Malone Horse Pullman Service for a Certificate of Public Convenience and Necessity as set out in the title hereof.

2. On January 8, 1940 the applicant filed with this Commission its petition for reopening and rehearing of this application on the ground that certain witnesses who would testify as to public convenience and necessity of this application were not present at the previous hearing but are now in Miami and that said witnesses consist of race horse owners, trainers and other engaged in the horse business who are ready, willing and able to appear before this Commission and submit additional testimony as to the inadequacy of the presently operating companies who handle the vast volume of business now being done at the above mentioned race tracks, and also to testify as to the convenience and necessity of this application.

3. The Commission has carefully considered this petition and is of opinion that the applicant should have an opportunity to present these witnesses before the Commission.

WHEREFORE, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the petition for reopening and rehearing this application be and the same is hereby GRANTED.

It is further ORDERED that this matter be and it is hereby set down for rehearing at the COUNTY COURT HOUSE in MIAMI, Florida, on FRIDAY, FEBRUARY 9th, 1940, at 10 o'clock A. M.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 24th day of January, 1940.

ORDER NO. 1252,

DOCKET NO. 181.

IN RE: APPLICATION OF RAILWAY EXPRESS AGENCY, INC., OF JACKSONVILLE, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A LIMITED COMMON CARRIER TRANSPORTING RACE HORSES, SADDLE HORSES, AND POLO PONIES BETWEEN TROPICAL PARK RACE TRACK AND HIALEAH PARK RACE TRACK AND HOLLYWOOD RACE TRACK AND THE RIDING ACADEMY AND DEPOTS AND PLATFORMS OF THE RAIL CARRIERS IN AND ADJACENT TO MIAMI, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1217 dated December 5, 1939, the above application was denied.

2. The Railway Express Agency, Inc., on January 23, 1940 filed with this Commission a petition to reopen and rehear this matter setting up in said petition that that part of the public to be served by this applicant is limited to race horse owners, trainers and those persons of like kind who are interested in moving horses between the tracks at Miami and Hollywood, and that the public generally is not interested, and that the evidence given at the previous hearing indicated that this particular part of the public desired additional transportation facilities and testified as to the inadequacy of the present facilities. It further set out in said petition that there are now many owners, trainers and handlers of race horses in Miami who would appear and testify as to the advantages of the applicant's vans and as to their desire for additional transportation facilities.

3. The Commission has considered this petition and is of opinion that the applicant should have an opportunity to present such evidence and that, therefore, the petition should be granted.

WHEREFORE, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the petition of the Railway Express Agency, Inc., for a reopening and rehearing of this application be and the same is hereby GRANTED.

It is further ORDERED that this matter be and the same is hereby set down for further hearing and the receipt of additional evidence at the COUNTY COURT HOUSE in MIAMI, FLORIDA, on Friday, FEBRUARY 9th, 1940, at 10 o'clock A. M.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 24th day of January, 1940.

ORDER NO. 1254.

DOCKET NO. 233.

IN RE: APPLICATION OF ACME FREIGHT LINES, INC., FOR APPROVAL OF THE TRANSFER OF OPERATING RIGHTS OF THE INDEPENDENT TRANSFER COMPANY TO ACME FREIGHT LINES, INC.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 623 dated September 27, 1939, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Seminole Hotel, Jacksonville, Florida, on October 19, 1939, at 10 o'clock A. M.

George Coulter appeared for the applicant.

W. T. Weeks appeared for Atlantic Coast Line Railroad Company.

2. Petition of the applicant set out that the applicant has purchased the property and operating rights of the Independent Transfer Company, both interstate and intrastate, including Certificate of Public Convenience and Necessity No. 21, issued by this Commission. It further showed that the rights of Independent Transfer Company in interstate commerce had issued to the applicant under order of the Interstate Commerce Commission dated April 6, 1939, a copy of said order being attached to the petition.

3. It was further shown at the hearing that John Van Dyke and Otto Vogel were copartners operating under the trade name of Independent Transfer Company and signed a bill of sale of all the rights of Independent Transfer Company, but that they were not parties to the ap-

plication for the transfer of such rights and for the transfer of Certificate of Public Convenience and Necessity No. 21.

4. It now appears by letter signed by Otto Vogel of January 13, 1940, that as surviving partner of Independent Transfer Company he desired to join Acme Freight Lines in their application for approval of the transfer of Certificate of Public Convenience and Necessity No. 21, and all operating rights of Independent Transfer Company.

5. The application now being in proper form the Commission has approved the same.

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Acme Freight Lines, Inc., joined by the surviving partner Otto Vogel of Independent Transfer Company, for approval of the transfer of the property and operating rights of Independent Transfer Company and of Certificate of Public Convenience and Necessity No. 21, issued by this Commission from Independent Transfer Company to Acme Freight Lines, Inc., be and the same is hereby approved.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 16th day of January.

CITATION

ORDER NO. 1255,

DOCKETS NOS. 100-9

100-6

193.

IN RE: COMPLAINT AGAINST STAR TRUCK LINE, L. & L. FREIGHT LINES, INC., AND E. E. ROBINSON OF SANFORD, DOING BUSINESS AS ROBINSON TRANSFER COMPANY, FOR VIOLATIONS OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

WHEREAS it has been reported to this Commission that Star Truck Line, L. & L. Freight Lines, Inc., and E. E. Robinson of Sanford, doing business as Robinson Transfer Company, have violated the law and the rules and regulations of the Commission in the particulars hereinafter set forth:

Therefore you, STAR TRUCK LINE and L. & L. FREIGHT LINES, INC., TAKE NOTICE that the Railroad Commission of the State of Florida charges you as follows:

(1) Violations of Sections 8 and 20 of Chapter 14764, Laws of Florida, Acts of 1931, and of Rule 19 of this Commission, in that you did on January 4, 1940, and on many divers dates and occasions during the three months preceding said date, enter into unlawful interchange agreements with E. E. Robinson of Sanford, doing business as Robinson Transfer Company, with reference to the transportation of the products of Crown Paper Company of Sanford, Florida, and that you did transport said products from Orlando, Florida, to various points in the State of Florida at rates less than those prescribed by the Florida Motor Freight Tariff approved by this Commission for the use of common carrier truck lines.

Therefore you, E. E. ROBINSON doing business as ROBINSON TRANSFER COMPANY, TAKE NOTICE that the Railroad Commission of the State of Florida charges you as follows:

(1) Violations of the terms and conditions of your certificate of Public Convenience and Necessity as a private Contract Carrier in that you did on January 4, 1940, and on many divers dates and occasions during the three months preceding said date turn over to Star Truck Line and L. & L. Freight Lines, Inc., shipments of the products of the Crown Paper Company of Sanford at an intermediate point, to-wit, Orlando, Florida, and that you did enter into unlawful interchange agreements with said Star Truck Line and L. & L. Freight Lines, Inc., with reference to the division of charges for said shipments.

And further TAKE NOTICE that on Tuesday, February 20, 1940, at 10 o'clock A. M. the Railroad Commission of the State of Florida will be in session at its Hearing Room, Supreme Court Building, Tallahassee, Florida, to hear, consider and determine whether or not you are guilty of having violated the law as aforesaid, and if you are found guilty to then and there consider what penalty shall be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charges.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 24th day of January, 1940.

ORDER NO. 1256,

DOCKET NO. 100-66.

IN RE: APPLICATION OF BLUE'S TRUCK LINE, INC., FOR EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 111, TO INCLUDE HAULING TO MADISON, FLORIDA, UNDER CONTRACT WITH THE TEXAS COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Order No. 1222 dated November 24, 1939, Blue's Truck Line, Inc., was authorized to transport under contract with The Texas Company lubricating oils, greases, empty drums, diesel and tractor fuel oils between Jacksonville and certain points in the State including Monticello, Quincy and Tallahassee.

2. It now appears that although Madison was on the direct route between Jacksonville and Tallahassee over which Blue's Truck Line operated transporting the above mentioned products for The Texas Company, it was not included in the contract between Blue Truck Line and The Texas Company because the agent at Madison was hauling his own requirements of package products. This agent at Madison does not now desire to continue to haul these package goods and Blue's Truck Line has applied to this Commission to permit it to add Madison to the contract with The Texas Company and transport these products to Madison. Blue's Truck Line, Inc., has agreed to transport these products in minimum truck loads of 11,000 pounds at 29c per Cwt. and less truckload amounts at 35c per Cwt. and empty drums at 35c per Cwt.

3. The Commission has investigated this matter and finds that the rates are reasonable and that the carrier passes right through Madison on its route from Jacksonville to Tallahassee and is of opinion that it should be permitted to haul these products to Madison, Florida.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Blue's Truck Line, Inc., to transport as a Contract Carrier under contract with The Texas Company lubricating oils, greases, empty drums, diesel and tractor fuel oils from Jacksonville to Madison, Florida at the rates herein quoted be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 16th day of January, 1940.

ORDER NO 1257,

DOCKET NO. 100-79.

IN RE: APPLICATION OF PETROLEUM CARRIER CORPORATION FOR EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 19 TO TRANSPORT BULK PRODUCTS IN TANK TRUCKS UNDER CONTRACT WITH AMERICAN OIL COMPANY.

1. Pursuant to Notice No. 631 dated January 12, 1940, this matter came on for formal hearing before the Railroad Commission at its Hearing Room, Tallahassee, Florida, on January 30, 1940, at 10 o'clock A. M.

Martin Sack appeared for the applicant.

G. P. Everton appeared for L. & L. Freight Lines.

2. From the contract submitted by the applicant, Petroleum Carrier Corporation, and from the testimony given in this proceeding, it appears that the American Oil Company is now transporting its own bulk products in its own trucks from St. Marks, Florida, to various points in the State. That by contract entered into on November 23, 1939, the American Oil Company desires the Petroleum Carrier Corporation to transport for it its bulk products from St. Marks, Florida, to the points in Northern and West Florida now transported in its own trucks at the rates set out in such contract. Testimony was adduced to show that the hazard on the highway would not be increased as the American Oil Company would withdraw its own truck which now performs this service and the Petroleum Carrier Corporation would substitute its own truck in performing the same service. The testimony further showed that the American Oil Company desired the Petroleum Carrier Corporation to transports only bulk products in tank trucks.

3. A representative of the L. & L. Freight Lines who appeared in this cause at this point made the statement that if the applicant intended only to transport bulk products in tank trucks that the L. & L. Freight Lines would withdraw all opposition to the granting of the application. There was no other opposition to the application.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the contract and rates entered into between Petroleum Carrier Corporation and American Oil Company be and the same are hereby APPROVED and the application of Petroleum Carrier Corporation to extend its Certificate No. 19 to cover the transportation of bulk products only of the American Oil Company between the following points and at the rates set out herein to-wit:

<i>From</i>	<i>To</i>	<i>Rate per Gallon</i>
St. Marks, Florida	Live Oak, Florida	\$0.00785
St. Marks, Florida	Madison, Florida	0.00562
St. Marks, Florida	Marianna, Florida	0.00634
St. Marks, Florida	Monticello, Florida	0.00338
St. Marks, Florida	Quincy, Florida	0.00331
St. Marks, Florida	Tallahassee, Florida	0.00144
Tallahassee, Florida	Marianna, Florida	0.00562
Tallahassee, Florida	Monticello, Florida	0.00266
Tallahassee, Florida	St. Marks, Florida	0.00072

be and the same is hereby GRANTED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this January 30, 1940.

ORDER NO. 1259,

DOCKET NO. 100-138.

IN RE: APPLICATION OF ST. ANDREWS BAY TRANSPORTATION COMPANY OF DOTHAN, ALABAMA, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO INCLUDE THE TRANSPORTATION OF PASSENGERS, BAGGAGE, MAIL, NEWSPAPERS AND LIGHT EXPRESS BETWEEN THE JUNCTION OF STATE HIGHWAY NO. 19 (NOW STATE HIGHWAY NO. 500) AND STATE HIGHWAY NO. 20, LOCATED BETWEEN FOUNTAIN AND SAUNDERS AND TALLAHASSEE, FLORIDA, SERVING CLARKSVILLE, BLOUNTSTOWN, BRISTOL, HOSFORD AND BLOXHAM, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 628 dated November 1, 1939, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on November 20, 1939 at 10 o'clock A. M.

John H. Carter, Thomas Sale and H. H. Simms appeared for the applicant.

Waller & Meginniss and J. Frank Adams appeared for Lee's Coach Line.

W. J. Oven, L. W. Brannon and C. E. Edwards appeared for Receivers of Seaboard Air Line Railway.

H. C. Rowland for Union Bus Company; George Gore for Apalachicola Northern Railroad and O. O. Miller for Marianna & Blountstown Railroad.

2. The applicant, St. Andrews Bay Transportation Company now operates a passenger service between Pensacola, Florida and Panama City, Florida, and between Panama City and the Florida-Alabama State line over Florida State Highway No. 20 to Cottondale, thence over State Highway No. 1 to Marianna, thence over State Road No. 6 to the Florida-Alabama line enroute to Dothan, Alabama. The present application is for authority to operate from a point where State Road No. 19 intersects State Road No. 20 to Tallahassee and return, thus making a through route from Pensacola through Panama City into Tallahassee, Florida. It was the contention of the applicant that at the present time it is impossible for a passenger to travel between any point west of Marianna or Panama City, Florida, and points east of these points, such as Blountstown and Tallahassee without changing busses and it is its purpose to operate a through service which will obviate the necessity for a change and layover at any junction point.

3. The applicant presented many prominent people from the section of Florida over which it proposes to operate who testified as to the public convenience and necessity for this operation. It also showed that it was operating successfully over the routes it was now authorized to operate over under Certificates from this Commission and that it was financially able to furnish the service desired. A witness for the applicant also testified that although it is authorized to operate from Pensacola to Panama City, both via road No. 115 and road No. 10, that it only operates over both of these routes in the summer time and in the winter time it operates only over the northern route over Highway No. 10 because the traffic does not justify operation over both routes during the winter season but that if the present application is granted, so as to permit it to go into Tallahassee, it proposes to operate a daily service over both of these routes.

4. Protestants through their witnesses contended that the territory was now adequately served both by rail lines and bus service. A. W. Lee who operates Lee's Coach Line, testified at length as to his operation and contended that the granting of the present application would seriously curtail the revenue he now receives and would materially affect his ability to furnish adequate service.

5. Applicant A. W. Lee, doing business as Lee's Coach Line, was heard following the hearing of the present application. The Commission has carefully considered the evidence of record of both hearings and finds that public convenience and necessity requires an operation over the proposed route between the junction of Roads Nos. 19 and 20 and Tallahassee, Florida. It has by Order No. 1258 awarded a Certificate of Public Convenience and Necessity to A. W. Lee, doing business as Lee's Coach Line for the reasons set out in said order. It is now of opinion that two operations over this identical route would not be profitable and would re-

sult in a diminution of revenue for both carriers and probably prevent either from furnishing adequate service. It is, therefore, of opinion that the present application should be denied.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of St. Andrews Bay Transportation Company to operate between the point of intersection of State Highway No. 19 (now No. 500) and State Highway No. 20, and Tallahassee, Florida, via Blountstown, Florida, be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of January, 1940.

ORDER NO. 1260,

DOCKET NO. 100-138.

IN RE: APPLICATION OF ST. ANDREWS BAY TRANSPORTATION COMPANY FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO INCLUDE THE TRANSPORTATION OF PASSENGERS, BAGGAGE, NEWSPAPERS AND LIGHT EXPRESS BETWEEN PANAMA CITY, FLORIDA, AND WEWAHITCHKA, FLORIDA, OVER STATE HIGHWAY NO. 10 AND STATE HIGHWAY NO. 52.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 628 dated November 1, 1939, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Tallahassee, Florida, on November 21, 1939.

John H. Carter, Thomas Sale and H. H. Simms appeared for the applicant.

Waller & Meginniss and J. Frank Adams appeared for A. W. Lee, doing business as Lee's Coach Line.

2. The evidence in this case discloses that there is no common carrier service by motor vehicle of any sort transporting passengers between Panama City and Wewahitchka over Highways 10 and 52. It is possible for a passenger to travel from Panama City to Wewahitchka via Port St. Joe but this is a very circuitous route and the distance is sixty miles while the distance over the direct route from Panama City to Wewahitchka is only twenty-eight miles. The granting of this Certificate would not only benefit the traveling public by shortening the distance and a consequent saving in time but reduce the present oneway fare from \$1.15

to 40c. Wewahitchka is the county seat of Gulf County and Panama City is the County seat of Bay County and this direct service would connect the two county seats.

3. The Commission is of opinion that public convenience and necessity would be served by the granting of this application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of St. Andrews Bay Transportation Company for an extension of its present certificate to include the transportation of passengers, baggage, newspapers and light express between Panama City and Wewahitchka over Highways Nos. 10 and 52, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of January, 1940.

ORDER NO. 1261,

DOCKET NO. 179.

IN RE: APPLICATION OF L. C. CHASTAIN DOING BUSINESS AS CHASTAIN TRANSFER LINE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER TRANSPORTING FREIGHT BETWEEN TALLAHASSEE, FLORIDA, AND THOMASVILLE, GEORGIA, OVER STATE ROAD NO. 10 IN INTERSTATE CARRIAGE ONLY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 643 dated December 14, 1933, L. C. Chastain, doing business as Chastain Transfer Line was authorized to transport freight interstate carriage only by motor vehicle between Tallahassee, Florida, and the Georgia-Florida State line operating over State Highway No. 10 on a schedule of two days per week enroute to Thomasville, Georgia.

2. This authority was granted prior to the passage of the Federal Motor Carrier Act of 1935. It now appears that Chastain Motor Line has transferred its common carrier operating rights to K. & L. Transportation Company and such transfer has received the approval of the Interstate Commerce Commission.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Order No. 643 authorizing the transportation of interstate freight by L. C. Chastain doing business as Chastain Transfer Line, between Tallahassee and the Georgia-Florida State line over Highway No. 10, be and the same is **CANCELED** and the authority authorized therein be and the same is hereby **revoked**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 24th day of January, 1940.

ORDER NO. 1262,

DOCKET NO. 330.

IN RE: CITATION AGAINST MARSHALL TRANSFER COMPANY OF FORT LAUDERDALE, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

Marshall Transfer Company was cited by Order No. 1235 dated December 13, 1939, for violation of the law and the rules of this Commission by operating off schedule and without a manifest showing the freight being transported. Hearing was held January 9, 1940, and Mr. Roland R. Sweet of Miami appeared for the respondent and plead guilty to both charges in said citation.

The Commission having considered the charges and pleas of guilty and the circumstances offered in mitigation by the respondent.

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Marshall Transfer Company is guilty as charged in said citation and has incurred penalties which are hereby fixed as follows:

(1) REVOCATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 168.

(2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$50.00 AS A FINE.

It is further ORDERED that this order shall take effect on February 26, 1940, and that the payment of said fine of \$50.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of January, 1940.

ORDER NO. 1263,
DOCKET NO. 100-6.

IN RE: CITATION AGAINST L. & L. FREIGHT LINES, INC. OF JACKSONVILLE, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

L. & L. Feight Lines, Inc., was cited by Order No. 1237 dated December 13, 1939, for violating the law and the rules and regulations of this Commission by operating a vehicle without a Railroad Commission number plate and with a gross weight in excess of that allowed by law. Hearing was held on January 9, 1940 and Mr. Martin Johnson of Jacksonville appeared for the respondent.

The respondent pled guilty to operating the truck without a Commission tag. As to the weight violation it was testified that there was no way of determining whether the truck was overweight without separately weighing each article of the load. The Commission's Inspector, however, testified that he carefully checked the delivery tickets given to the truck driver when the truck was loaded and that they showed a weight which when added to the undisputed weight of the vehicle resulted in a gross weight of more than 38,760 pounds or 4,760 pounds in excess of the maximum allowed by law.

After careful consideration of the evidence and the mitigating circumstances described by the respondent the Commission finds the respondent guilty of exceeding the weight limit as fell as operating without a Commission plate.

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that L. & L. Freight Lines, Inc., is guilty as charged in said citation and has incurred penalties which are hereby fixed as follows:

1. REVOCATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 14.

(2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$50.00 AS A FINE.

It is further **ORDERED** that this order shall take effect on February 26th, 1940, and that the payment of said fine of \$50.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of January, 1940.

ORDER NO. 1264,

DOCKET NO. 648.

IN RE: CITATION AGAINST DEATON TRUCK LINES, INC. OF BIRMINGHAM, ALABAMA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

Deaton Truck Lines, Inc. was cited by Order No. 1232 dated December 13, 1939 for operating a vehicle on October 24, 1939 without a manifest of the cargo accompanying the vehicle and without the trailer bearing a Commission number plate. The hearing was held on January 9, 1940 and C. D. Deaton of Birmingham, Alabama, appeared for the respondent.

The respondent admitted the violations and offered certain testimony in mitigation thereof.

The Commission has carefully considered the charges and the testimony taken thereon and finds the respondent guilty as charged.

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Deaton Truck Lines, Inc, is guilty as charged in said citation and has incurred penalties which are hereby fixed as follows:

- (1) **REVOCATION OF CERTIFICATE OF REGISTRATION NO. 54.**
- (2) **PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$50.00 AS A FINE.**

It is further **ORDERED** that this order shall take effect on February 26, 1940, and that the payment of said fine of \$50.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of January 1940.

ORDER NO. 1265,

DOCKET NO. 440.

IN RE: CITATION AGAINST HOWARD HALL COMPANY, INC. OF BIRMINGHAM, ALABAMA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

Howard Hall Company, Inc. of Birmingham, Alabama, was cited by Order No. 1231, dated December 13, 1939, for operating unlawfully on two occasions by not having Railroad Commission number plates attached to the vehicles of respondent, and on one occasion by not having a manifest of the cargo. Hearing was held on January 9, 1940 and Mr. Howard Hall of Birmingham appeared for the respondent.

The evidence shows that on the two occasions described in the citation the respondent operated without Railroad Commission number plates and without a manifest of the cargo on one occasion.

The Commission has carefully considered the charges and the testimony taken and the mitigating circumstances presented by respondent and finds the respondent guilty as charged:

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Howard Hall Company, Inc. is guilty as charged in said citation and has incurred penalties which are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE OF REGISTRATION NO. 18.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$50.00 AS A FINE.

It is further ORDERED that this order shall take effect on February 26, 1940, and that the payment of said fine of \$50.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered otherwise the revocation of said certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of January 1940.

ORDER NO. 1266,

DOCKET NO. 462.

IN RE: CITATION AGAINST SLOAN'S MOVING & STORAGE COMPANY FOR FAILURE TO REPORT AND TO PAY MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW AND THE RULES AND REGULATIONS OF THE FLORIDA RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission by Order No. 1202 dated November 3, 1939 found Sloan's Moving & Storage Company guilty of violating the law and the Rules and Regulations of this Commission for failure to pay mileage taxes as set forth in citation issued October 18, 1939. As part of the penalties fixed in said order the Commission assessed a fine of \$50.00 which has since been reduced to \$25.00. The respondent having paid the fine of \$25.00 as a penalty for said violation, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the payment of said fine of \$25.00 is hereby accepted as full satisfaction of all penalties fixed in said Order No. 1202 and the judgment of said order is hereby satisfied and said citation dismissed.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 23d day of January 1940.

ORDER NO. 1267,

DOCKET NO. 310.

IN RE: CITATION AGAINST R. C. MOTOR LINES OF HIGH POINT, NORTH CAROLINA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

R. C. Motor Lines, was cited by Order No. 1233 dated December 13, 1939, for operating its vehicles unlawfully on two occasions as set forth in said citation. Hearing was held on January 9, 1940 and Leo P. Kitchen and Dan R. Schwartz appeared for the respondent and entered a plea of guilty to both counts in the citation.

The Commission found the respondent guilty as charged and fixed as penalties revocation of Certificate of Registration of the respondent and the payment to the Treasurer of the State of Florida of a fine of \$50.00 with the provision that the payment of the fine would be accepted as full satisfaction of all penalties for the violations. Without

the entering of a formal order assessing these penalties the respondent has paid the said fine of \$50.00.

It is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the payment of the said fine of \$50.00 is hereby accepted as full satisfaction of all penalties assessed for the violations set out in said citation and all proceedings in connection therewith are hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of January 1940.

ORDER NO. 1268,

DOCKET NO. 100-6.

IN RE: APPLICATION OF L. & L. FREIGHT LINES, INC. OF JACKSONVILLE FOR A NEW INTERSTATE OPERATING SCHEDULE SOUTHBOUND FROM THE GEORGIA-FLORIDA STATE LINE THROUGH TALLAHASSEE TO TAMPA, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Tallahassee, Florida, on January 10, 1940, pursuant to Notice No. 630 dated December 27, 1939. The following appeared:

Martin Johnson of Jacksonville, Florida, represented the applicant, also G. P. Everton of Tallahassee, Florida.

B. M. Brunson appeared for Great Southern Trucking Company.

W. J. Oven, Jr. of Tallahassee appeared for Seaboard Air Line Railway and J. R. Hunter for Railway Express Agency, Inc., protestants.

2. The L. & L. Freight Lines, Inc., was authorized by temporary authority from the Interstate Commerce Commission to operate between Tampa and the Georgia-Florida State line via Brooksville, Wiliston, Perry and Tallahassee and at present operates one round trip daily over this route. The present Southbound schedule leaves Tallahassee at 6:00 A. M. and arrives in Tampa at 2:30 P. M. This application proposes a new Southbound schedule leaving the Georgia-Florida State line at 11:30 P. M. and arriving in Tampa at 7:40 A. M. This schedule would return Northbound at the same time as the existing Northbound schedule.

3. The purpose of this additional schedule is to speed up the delivery of Southbound traffic. It is limited to interstate traffic and the Commission finds the same to be in the public interest.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of L. & L. Freight Lines, Inc., of Jacksonville, Florida, for a new operating schedule handling interstate traffic only between the Georgia-Florida State line through Tallahassee to Tampa be and the same is hereby **GRANTED**, and that Time Table No. 4, Schedule No. 1, attached to this order and expressly made a part hereof, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of January 1940.

ORDER NO. 1269,

DOCKET NO. 363.

IN RE: APPLICATION OF GREAT SOUTHERN TRUCKING COMPANY OF JACKSONVILLE, FLORIDA, FOR AN ADDITIONAL NORTHBOUND SCHEDULE FROM MIAMI TO JACKSONVILLE, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on January 10, 1940, pursuant to Notice No. 630 dated December 27, 1939. The following appeared:

B. M. Brunson of Jacksonville, Florida, for the applicant.

W. J. Oven, Jr. for Receivers of Seaboard Air Line Railway and Receivers of Florida East Coast Railway; J. R. Hunter for Railway Express Agency, Inc., Protestants.

2. The applicant seeks a new Northbound schedule from Miami to Jacksonville to handle interstate freight only leaving Miami at 8:00 A. M. and arriving in Jacksonville at 7:00 P. M. The applicant now has two Northbound schedules—one over-night schedule and one leaving Miami at 11:00 A. M. The purpose of the proposed schedule is to enable interstate freight from Miami and the lower East Coast to connect with a Northbound schedule out of Jacksonville that leaves earlier in the evening.

3. The Commission has carefully considered the application and testimony and the objections filed to the granting of the same and

is of opinion that the additional schedule will improve the operating efficiency of the applicant and be in the public interest.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Great Southern Trucking Company of Jacksonville, Florida, for an additional schedule from Miami to Jacksonville be and the same is hereby **GRANTED**, and that Time Table No. 1, Schedule No. 4, copy of which is attached hereto and made a part of this order, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of January 1940.

ORDER NO. 1270,

DOCKET NO. 363.

IN RE: APPLICATION OF GREAT SOUTHERN TRUCKING COMPANY of JACKSONVILLE, FLORIDA, FOR ADDITIONAL OPERATING SCHEDULES SOUTHBOUND FROM PORT EVERGLADES TO MIAMI, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on January 10, 1940, pursuant to Notice No. 630 dated December 27, 1939. The following appeared:

B. M. Brunson of Jacksonville, Florida, appeared for the applicant.

W. J. Oven, Jr. of Tallahassee, Florida, for Receivers of Seaboard Air Line Railway and Florida East Coast Railway; J. R. Hunter of Tallahassee, Florida, for Railway Express Agency; Martin Johnson of Jacksonville, Florida, for L. & L. Freight Lines, Inc., Protestants.

2. The applicant proposes a schedule from Jacksonville to Miami that comes through Port Everglades which is approximately thirty miles North of Miami at around 8:00 A. M. It appears that at times there is a large movement of traffic from the boats at Port Everglades to Miami and the applicant seeks additional schedules to handle this traffic. These schedules would leave Port Everglades at 12:00 noon, 1:00 P. M. and 2:00 P. M. and arrive in Miami one hour later. When a ship unloads at Port Everglades there is plenty of traffic for all the truck lines serving this territory and the Commission is of opinion

that the applicant should be allowed these schedules in order to enable it to secure and handle properly its share of this traffic.

3. The schedule will be limited to boat traffic originating at Port Everglades, and the Commission finds that the new schedules as limited will be in the public interest.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Great Southern Trucking Company for additional operating schedules from Port Everglades to Miami, Florida, is hereby **GRANTED** and that Time Table No. 1., Schedule No. 6, copy of which is attached hereto and made a part of this order, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of January 1940.

ORDER NO. 1271,

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DOCKET NO. 100-13.

IN RE: APPLICATION OF TAMiami TRAIL TOURS, INC., OF TAMPA, FLORIDA, FOR AN EXTENSION OF ITS CERTIFICATE TO OPERATE IN COMMON CARRIAGE OF PASSENGERS, BAGGAGE AND LIGHT EXPRESS BETWEEN TAMPA, FLORIDA, AND MACDILL FIELD, UNITED STATES ARMY AIR BASE.

IN RE: PETITION OF TAMPA TRANSIT COMPANY OF TAMPA, FLORIDA, TO INTERVENE AND TO REOPEN, REHEAR AND RECONSIDER ORDER NO. 1250.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. On January 18, 1940, by Order No. 1250, Tamiami Trail Tours, Inc., was granted an extension of its Certificate of Public Convenience and Necessity No. 28, to include the transportation of passengers and light express between Tampa, Florida, and MacDill Field, United States Army Air Base.

2. Tampa Transit Company on February 15, 1940, filed with this Commission its petition to intervene in this matter and to reopen, rehear and reconsider Order No. 1250 for the purpose of showing that the territory involved in said order is adjoining suburban territory and that, therefore, the operations in said territory are not subject to the jurisdiction of the Commission.

3. The Commission has considered this petition, and in view of the fact that a temporary restraining order was issued out of the

Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County against petitioner on February 3, 1940, restraining it from operating in said territory, that no relief should be granted under said petition until a full hearing has been had thereon, and has decided to set the matter down for hearing in Tampa, Florida, on March 5, 1940.

Therefore, **TAKE NOTICE** that the Railroad Commission of the State of Florida will be in session at the **CHAMBER OF COMMERCE BUILDING, TAMPA, Florida**, at 10 o'clock A. M. on Tuesday, **MARCH 5th, 1940**, to hear and determine whether or not the petition of Tampa Transit Company to intervene in this cause should be granted, and to take testimony on the question of the jurisdiction of the Commission over the territory involved in order to determine whether these proceedings should be reopened and relief granted as prayed.

And at said time and place all parties interested will have an opportunity to be fully heard.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 16th day of February 1940.

ORDER NO. 1272,

DOCKET NO. 648.

IN RE: CITATION AGAINST DEATON TRUCK LINES, INC. OF BIRMINGHAM, ALA. FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1264 dated January 30, 1940, Deaton Truck Lines, Inc. was found guilty of operating a vehicle without a manifest of the cargo and a trailer without bearing Commission Number Plate and certain penalties were assessed against it as shown in said order, one of which provides for the payment of a fine of \$50.00 which would be accepted as full satisfaction of all penalties entered against said company.

2. It now appears that the fine of \$50.00 imposed by said Order No. 1264 has been paid.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that said fine be and it is hereby accepted as full satisfaction of the judgment entered against Deaton Truck Lines, Inc. and said judgment is hereby **CANCELED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 19th day of February 1940.

ORDER NO. 1273,

DOCKET NO. 100-61.

IN RE: APPLICATION OF UNION EXPRESS FREIGHT COMPANY, INC. FOR APPROVAL OF A CERTAIN LEASE AGREEMENT ENTERED INTO ON FEBRUARY 7, 1940 BY AND BETWEEN GROVER PITTMAN OF PENSACOLA, FLORIDA, AND UNION EXPRESS FREIGHT COMPANY, INC. OF MOBILE, ALABAMA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter coming on for consideration before the Railroad Commission of the State of Florida upon the application of Union Express Freight Company, Inc., for approval of that certain lease agreement dated February 7, 1940, by and between Grover Pittman of Pensacola, Florida, and Union Express Freight Company, Inc., by the terms of which Grover Pittman has agreed to lease to Union Express Freight Company, Inc. all of his rights to operate in intrastate commerce authorized by that portion of Certificate of Public Convenience and Necessity No. 124 issued by this Commission to J. A. Pittman doing business as Pittman Truck Line, and subsequently transferred to Grover Pittman between Pensacola, Florida, and River Junction, Florida, over State Road No. 1 U. S. Highway No. 90, together with all office equipment, motor vehicles and all other property used or intended to be used in the operation of said truck line, and it appearing that the execution of said lease on the part of the Union Express Freight Company, Inc., was duly approved at a regular meeting of its Board of Directors, and that it is the purpose of the Union Express Freight Company, Inc., to take over and operate the same routes and schedules now being operated by Grover Pittman, and this Commission having carefully examined the lease agreement, the original of which is now on file in the office of this Commission, and being fully advised in the premises:

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the lease agreement dated February 7, 1940, by and between Grover Pittman and Union Express Freight Company, Inc., be and the same is hereby **APPROVED.**

It is further **ORDERED** that this lease shall take effect and become operative upon the payment by said Grover Pittman or Union Express Freight Company, Inc., of all mileage taxes due the State by the said Grover Pittman for his operations under such Certificate, and upon the payment of all C. O. D. claims, if any, arising out of said operation, and also upon the filing of a true and correct report of the operation by Grover Pittman up to and including the effective date of the said lease.

It is further ORDERED that Union Express Freight Company, Inc., is hereby authorized and directed to operate over said route and in accordance with the schedules now being operated by the said Grover Pittman in conformity with the laws of the State of Florida and the rules and regulations of this Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 22d day of February 1940.

ORDER NO. 1274,

DOCKET NO. 100-6.

IN RE: CITATION AGAINST L. & L. FREIGHT LINES, INC., OF JACKSONVILLE, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1263 dated January 30, 1940, the L. & L. Freight Lines, Inc., was found guilty of operating a vehicle without a Railroad Commission Number Plate and with a gross weight in excess of that allowed by law, and penalties were assessed against it as shown by said order one of which provided for the payment of a \$50.00 fine which would be accepted as full satisfaction of all penalties assessed against said company.

2. It now appears that the fine of \$50.00 imposed by said Order No. 1263 has been paid.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that said fine be, and it is hereby accepted as full satisfaction of the judgment entered against L. & L. Freight Lines, Inc., by Order No. 1263, and said judgment is hereby canceled.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee Florida, this 19th day of February 1940.

ORDER NO. 1275,

DOCKET NO. 440.

IN RE: CITATION AGAINST HOWARD HALL COMPANY, INC. OF BIRMINGHAM, ALABAMA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF: THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

By Order No. 1265 dated January 30, 1940 Howard Hall Company, Inc., was found guilty as charged in a certain citation dated December 13, 1939 and among the penalties was ordered to pay a fine of \$50.00. It was further ordered that the payment of this fine would be accepted as full satisfaction of the judgment rendered in such proceeding.

It now appears that said fine has been paid.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of said fine of \$50.00 be and it is hereby accepted as full satisfaction of the judgment rendered against Howard Hall Company, Inc., and said judgment as set forth in Order No. 1265 be and the same is hereby CANCELED and DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 26th day of February 1940.

ORDER NO. 1276,

DOCKET NO. 164.

IN RE: CHANGE OF MOTOR VEHICLE RULE NO. 14.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

Rule No. 14 of the Rules and Regulations of the Florida Railroad Commission governing Auto Transportation Companies is hereby amended to read as follows:

RULE 14: 1. Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, Common Carriers by Motor Vehicle may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of seven days, excluding Sundays and legal holidays, other than Saturday half-holidays. When the freight bill

covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

2. Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

3. Freight bills for all transportation charges shall be presented to the shippers within seven calendar days from the first 12 o'clock midnight following delivery of the freight.

4. Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

5. The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper, may be deemed to be the collection of the tariff charges within the credit period for the purpose of this Rule. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

This Rule, as amended, shall become effective on the 1st day of April, 1940.

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of March, 1940.

ORDER NO. 1277,

DOCKET NO. 719.

IN RE: APPLICATION OF THOS. LEMUEL RICHARDS, JR. 620 M. STREET, WEST PALM BEACH, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A CONTRACT CARRIER TRANSPORTING FREIGHT UNDER CONTRACT WITH MONTGOMERY WARD & COMPANY BETWEEN WEST PALM BEACH AND VERO BEACH, BOCA RATON, OKEECHOBEE CITY AND CLEWISTON AND INTERMEDIATE POINTS USING U. S. HIGHWAY NO. 1, STATE HIGHWAYS NOS. 25, 194, 8 and 140.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 632 dated January 25, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room Supreme Court Building, Tallahassee, Florida on February 20, 1940.

W. G. Starry appeared for the applicant.

W. J. Oven appeared for Receivers of Seaboard Air Line Railway; J. R. Hunter for Railway Express Agency, Inc.; E. R. Rowland for Tamiami Trail Tours; W. T. Wolfe for L. & L. Freight Lines, Inc. and B. M. Brunson for Great Southern Trucking Company.

2. The applicant Richards is now engaged in making deliveries of merchandise for Montgomery Ward & Company within the limits of West Palm Beach, Florida, and has entered into a contract to deliver these products between West Palm Beach, Vero Beach, Boca Raton, Okeechobee City and Clewiston. The contract entered into between the parties is filed in evidence and shows that Montgomery Ward & Company has agreed to pay the applicant for this transportation at the rate of \$80.00 per week for the months of January, February, March, April and December, and \$75.00 per week for the months of May, September, October and November, and at the rate of \$60.00 per week for the summer months of June, July and August. For this compensation the applicant has agreed to make deliveries within the corporate limits of West Palm Beach and also to the points heretofore mentioned. It is estimated that the applicant will travel approximately five hundred and fifty miles per week. That is to say, that this would be the average weekly mileage that he will make. The testimony shows that the customers of Montgomery Ward & Company demand a service that the rail and motor carriers are unable to furnish as they expect the carrier to transport the merchandise to the house and if it is crated to uncrate it and place it in the location desired by the customer. The evidence further shows that the merchandise that will be trans-

ported by this applicant is merchandise already in the store of Montgomery Ward & Company and this applicant is not expected, and will not be permitted, to haul merchandise to the store of the company from warehouses or make deliveries to customers ordered from the Mail Order Department.

3. The applicant has testified that he will use one truck until the business increases to such an extent that he will need others. He has also agreed to comply with all the rules and regulations of the Railroad Commission including payment of mileage taxes upon the whole operation, that is to say, both upon his operation within and without the city of West Palm Beach, Florida.

4. The Commission has considered the evidence offered in this proceeding and is of opinion that the application should be granted when the applicant has conformed to the law and the rules and regulations with reference to insurance and registration with the Commission of his motor vehicle.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Thomas Lemuel Richards, Jr. for a certificate of public convenience and necessity as a contract carrier transporting freight under contract with Montgomery Ward & Company between West Palm Beach and Vero Beach, Boca Raton, Okeechobee City and Clewiston, Florida, and intermediate points, using U. S. Highway No. 1, and State Highways Nos. 25, 194, 8 and 140, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 28th day of February 1940.

ORDER NO. 1278,

DOCKET NO. 720.

IN RE: APPLICATION OF VAN HORN TRANSFER & STORAGE COMPANY OF PANAMA CITY, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A LIMITED COMMON CARRIER TRANSPORTING USED HOUSEHOLD GOODS, STORE AND OFFICE FIXTURES BETWEEN PANAMA CITY, FLORIDA, AND OTHER POINTS IN THE STATE OF FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 632 dated January 25, 1940, this matter came on for formal hearing before the Railroad Commission of the

State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on February 20, 1940 at 2:30 P. M.

A. W. Van Horn appeared for the applicant.
There were no other appearances.

2. The applicant is the owner and operator of Van Horn Transfer & Storage Company engaged in transfer and storage business within the city of Panama City, Florida. This company has been engaged in this business for practically thirty years. The applicant now desires to enlarge his business and asks for a certificate authorizing him to transport household goods, store and office fixtures from Panama City, Florida, to various points in the State of Florida. He has agreed to comply with all the rules and regulations of the Railroad Commission including the observance of the tariff for the transportation of household goods. The testimony indicated that the applicant is financially able to carry out the duties of such carrier and that there is need for transportation such as the applicant desires out of Panama City as no such service is now performed by any carrier in that vicinity.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Van Horn Transfer & Storage Company of Panama City, Florida, for a certificate of public convenience and necessity as a limited common carrier transporting used household goods, office fixtures, store fixtures and the stock of goods contained in the store under the rules and regulations of the Commission be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 27th day of February 1940.

ORDER NO. 1279,

DOCKET NO. 100-40.

IN RE: APPLICATION OF J. G. COATS, DOING BUSINESS AS COATS MOTOR TRANSFER COMPANY OF FORT PIERCE, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A CONTRACT CARRIER TRANSPORTING FOR THE GREAT ATLANTIC & PACIFIC TEA COMPANY FROM ITS WAREHOUSE IN JACKSONVILLE, FLORIDA, TO ITS RETAIL STORES AT FORT PIERCE, VERO BEACH, STUART, OKEECHOBEE, BELLE GLADE, PAHOKEE, WEST PALM BEACH, PALM BEACH, LAKE WORTH AND DELRAY, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 618 dated May 22, 1939, this matter came on for hearing before the Railroad Commission of the State of Florida at the Seminole Hotel, Jacksonville, Florida, on June 6, 1939.

Thad H. Carlton of Fort Pierce and Stanton Walker of Jacksonville appeared for the applicant.

McCarthy Crenshaw appeared for L. & L. Freight Lines; W. J. Oven and Dan Kelly Jr. appeared for Receivers of Seaboard Air Line Railway; R. K. Parsons and C. D. Meicin, representing Florida East Coast Railway; Geo. A. K. Sutton for Atlantic Coast Line Railroad Company and J. R. Hunter for Railway Express Agency, Inc.

2. The applicant is now a contract carrier transporting the products of the A. & P. Tea Company between Fort Pierce, Florida, and certain other points in the State. The goods now transported by the applicant are delivered to Fort Pierce by rail in carload and then distributed from the car which is set off at Fort Pierce to various stores of the company. The applicant now seeks authority to extend his contract with the Atlantic & Pacific Tea Company to haul merchandise and groceries from its warehouse in Jacksonville to these various points. The witness for the company testified that this truck service would be much more satisfactory than the present rail service for the reason that it would eliminate several handlings of the merchandise since it could be loaded on the truck in Jacksonville and be shipped direct to its stores in the various points mentioned.

3. The protestants offered testimony to show that this territory is now being adequately served by the Florida East Coast Railway, the Seaboard Air Line Railway and three common carriers by motor vehicle. The evidence tended to further show that the bulk of the tonnage now moving from the A. & P. Tea Company in this territory is being moved by rail lines or common carrier truck lines and that the granting of this application would simply result in the taking of traffic away from the existing common carriers and giving it to the applicant and would increase the number of trucks on the highway, and to that extent would increase the burden on the highway and the hazards incident thereto.

The Commission has carefully considered the application and the record in this case and is of opinion that public convenience and necessity do not require the granting of this application.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of J. G. Coats, doing business as Coats Motor Transfer Company for a certificate of public convenience and Necessity as a contract carrier

transporting freight under contract with the Great Atlantic & Pacific Tea Company from Jacksonville, Florida, to various points in the State of Florida named in the application be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 27th day of December 1939.

ORDER NO. 1280,

DOCKET NO. 363.

IN RE: COMPLAINT AGAINST GREAT SOUTHERN TRUCKING COMPANY OF JACKSONVILLE, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Great Southern Trucking Company was cited on December 13, 1939 by Order No. 1230 for violation of the law and the rules of the Commission on two occasions by operating its vehicles without Railroad Commission number plates and off schedule. Hearing was held on January 9, 1940 and postponed until February 20, 1940. The following appeared:

A. Y. Milam, Donald K. Carroll and L. A. Raulerson all of Jacksonville, for the respondent.

2. Counsel for the respondent filed an answer pleading guilty to each count in the citation and setting forth extenuating circumstances to show that the violations grew out of the exigencies of the road and of seasonal operations in the State. These exigencies, however, do not entirely justify violating the law and the rules of the Commission in view of the liberal practices of the Commission in granting authority to meet exigency conditions.

3. The Commission has carefully considered the testimony produced by the respondent in support of its pleas and has decided to assess, in addition to revocation of respondent's certificate, only a nominal fine of \$10.00 on each of the three counts in the citation, making a total penalty of \$30.00.

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the Great Southern Trucking Company is guilty as charged in said citation and has incurred penalties which penalties are fixed as follows:

(a) REVOCATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 52.

(b) PAYMENT TO THE TREASURER OF THE STATE OF
FLORIDA OF \$30.00 AS A FINE.

It is further ORDERED that this order shall take effect on March 25, 1940, and that the payment of said fine of \$30.00 will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 29th day of February 1940.

ORDER NO. 1281,

DOCKET NO. 173.

IN RE: CITATION AGAINST CALDWELL BONDED WAREHOUSE OF
TAMPA, FLORIDA, FOR VIOLATION OF THE LAW AND THE
RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. On December 29, 1939, by Order No. 1247 this Commission cited Caldwell Bonded Warehouse to appear and answer two complaints made against it for violating provisions of the household goods tariff and charging less than the tariff rate on two occasions. Hearing was held in Tallahassee on February 20, 1940, and respondent was represented by Mr. F. C. Caldwell of Tampa, Florida.

2. The first count in the citation charged respondent with undercharging a shipper for haul of 550 cubic feet of household goods from Tampa to Jacksonville. The respondent had collected the charges for the shipment based upon the rates in the tariff applicable to goods moving at "carrier's convenience." Had the shipment moved "shipper's convenience" the charges would have been greater than those collected. It appeared from the testimony that the shipper had called the respondent and requested the movement at a particular time, that is, the shipper wanted them moved on a Saturday night after his store was closed and delivered in Jacksonville the following day. Respondent moved the shipment at "carrier's convenience" rates because he had a return shipment from Jacksonville to Tampa which he was holding for movement until he could secure another part load to make the trip profitable.

3. Under the above state of facts the Commission and its rate experts are of opinion that the goods should have moved under the rules and rates applicable to "shipper's convenience" since the shipper demanded movement at a particular time. However, the respondent, as well as witnesses for two other household goods carriers, including

the complaining carrier, testified that the household movers had construed the tariff provisions to mean that they could make a shipment on the "carrier convenience" rates where they had another part load to move on the same trip, even though the shipper demanded movement at a particular time. This Commission will, therefore, dismiss the citation in the first count but will issue a Traffic Circular explaining its interpretation of this matter and will expect the respondent and other household goods carriers hereafter to apply the tariff in the manner herein set forth.

4. The second count in the citation charged that the respondent failed to collect certain packing charges for accessorial services performed in connection with a movement of household goods. The respondent witness was not able to state whether his driver did the packing or not, and the shipper who was subpoenaed to testify in the matter was also not able to state whether or not the packing had been done by respondent's driver or by his own household servant. The evidence, therefore, is insufficient to sustain conviction on this count of the citation.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Citation Order No. 1247 issued against Caldwell Bonded Warehouse of Tampa, Florida, be and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 29th day of February, 1940.

ORDER NO. 1282,

DOCKET NO. 330.

**IN RE: CITATION AGAINST MARSHAL TRANSFER COMPANY OF
FORT LAUDERDALE, FLORIDA, FOR VIOLATION OF THE LAW
AND THE RULES AND REGULATIONS OF THE RAILROAD
COMMISSION.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission by Order No. 1262, dated January 30, 1940, found Marshal Transfer Company guilty of violating the law and the rules and regulations of the Commission in certain particulars, and as a part of the penalties fixed in said order assessed a fine of \$50.00 which has now been paid.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the payment of said

fine of \$50.00 is hereby accepted as full satisfaction of all penalties fixed in said order No. 1262 and the judgment of said order is hereby satisfied and said citation DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 16th day of March, 1940.

ORDER NO. 1283,

DOCKETS NOS. 100-9

100-6

193.

IN RE: COMPLAINT AGAINST STAR TRUCK LINE, L. & L. FREIGHT LINES, INC., AND E. E. ROBINSON OF SANFORD, DOING BUSINESS AS ROBINSON TRANSFER COMPANY, FOR VIOLATIONS OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Order No. 1255 dated January 24, 1940, was a citation issued against the respondents named above and hearing was held on the same February 20, 1940. The following appeared:

W. T. Wolfe of Jacksonville, Florida, Traffic Manager of L. & L. Freight Lines, Inc.

John Hovarth of Orlando, Florida, for Star Truck Line.

M. L. Robinson of Orlando, Florida, for Robinson Transfer Company.

2. Robinson Transfer Company is a contract carrier holding a certificate issued by order No. 229, dated September 30, 1930, authorizing it to haul the products of the Crown Paper Company of Sanford, Florida, from Sanford to any point in the State. The substance of the charges in said citation order was that Robinson violated the terms of his certificate, and the Star Truck Line and L. & L. Freight Lines, who are common carriers, violated their tariff by interchanging freight at Orlando, Florida. The evidence showed that it had been the practice of Robinson to deliver the paper company products to the two common carrier lines at Orlando who would thereupon haul them to destination at points on the lower East Coast and in Central Florida area between Orlando and Tampa. In these instances the shipper was charged Robinson's contract rate which was approximately the same as the regular common carrier rate from Sanford to destination and the revenue was divided between the Star Line and Robinson, or between L. & L. and

Robinson, as the case might be, on some basis not explained in the record. It appears that this practice of interchanging freight with Robinson originated many years ago between Star Truck Line and Robinson. The practice has been carried on by the L. & L. Line only during the last few months and since then the agent for Star Truck Line in Orlando has also become the agent for L. & L. Freight Lines. Officials of the L. & L. Freight Lines disclaim any actual knowledge of the interchange arrangement prior to the receipt of the citation.

3. The Commission is of opinion that contract carriers under the law and the rules of this Commission cannot interchange freight with common carrier lines. The practice has been condemned by the Interstate Commerce Commission and is inconsistent with the purposes for which contract carrier certificates were authorized. A contract carrier cannot undertake to furnish transportation for a shipper which is beyond its power to furnish, and which requires the services of another carrier. Even though common carriers might, in some instances, be obligated under their duty to receive and transport all shipments offered them to haul freight for contract carriers, yet in such cases they should assess the full local rate to destination from the point where the shipment was received. In all of the interchanges herein involved, the division of the rate was such that the common carriers received in every instance much less than the local rate from Orlando to point of destination.

4. The Commission, while finding the respondents guilty as charged, will dismiss the citation without penalty because this interchange at Orlando has continued for many years under an apparent honest belief that the same was lawful. The Commission will insist in the future, however, that the practice be discontinued as it was testified at the hearing that it had been discontinued upon receipt of the citation. Robinson Transfer Company will not be permitted to accept shipments of paper products unless it makes delivery in its own vehicles to the ultimate consignee. Any clarification of extensions of Robinson's certificate will have to be the subject of a separate inquiry.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the charges contained in said citation Order No. 1255, be and the same are hereby **DISMISSED**, subject, however, to reopening of this case should the interchange practice hereinabove condemned be continued.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 18th day of March 1940.

ORDER NO. 1284,

DOCKET NO. 100-62.

IN RE: COMPLAINT AGAINST C. & H. TRANSFER COMPANY OF
FT. LAUDERDALE, FLORIDA, FOR VIOLATION OF THE LAW
AND THE RULES AND REGULATIONS OF THE RAILROAD
COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. The respondent named above was cited by Order No. 1234 dated December 13, 1939, for violations in three particulars and hearing was held before the Commission on January 9, 1940 and postponed at the request of the respondent until February 20, 1940. The respondent was not represented at the hearing although it was shown that due notice thereof was given the respondent.

2. The first count in the citation charged the violation of Rule No. 7 of the Commission's rules governing the transportation of household goods and store fixtures. The testimony shows that on or about November 21, 1939, the respondent hauled a load of merchandise comprising the stock of goods of a millinery store from Fort Lauderdale to West Palm Beach, and that the only store fixtures hauled were two window display hat racks. Rule 7 provides:

"The merchandise comprising the stock of goods may be included in the movement *only* when the entire stock of goods and the *entire store furniture and fixtures* are moved."

The Commission finds the respondent guilty of the first charge because respondent has no authority to operate to West Palm Beach except under its household goods certificate.

3. The second count in the citation charged respondent with operating on November 6, 1939, from Miami to Fort Lauderdale without a manifest in the possession of the driver of the truck. This is a plain violation of Rule 57. It appears that blank manifests are given the drivers for Northbound shipments from Miami to Fort Lauderdale and are not filled in until the truck reaches its destination in Fort Lauderdale. This is not a compliance with Rule 57 so the respondent is found guilty on the second charge.

4. The third count in the citation charges that on November 8, 1939, a truck of respondent was operated approximately three and a half hours off schedule. This difference is greater than the Commission can allow for the usual contingencies of operation. Special authority should always be secured if an off-schedule operation is necessary. The law requires common carriers to operate on fixed schedules and respondent is found guilty on the third count.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that C. & H. Transfer Company is guilty as charged in said citation and has incurred penalties which are hereby fixed as follows:

(1) REVOCATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 147.

(2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$25.00 ON EACH COUNT, OR A TOTAL OF \$75.00 AS A FINE.

It is further ORDERED that this order shall take effect on April 8th, 1940, and that the payment of such fine of \$75.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of March, 1940.

ORDER NO. 1285,

DOCKET NO. 100-53.

IN RE: COMPLAINT AGAINST FIVE TRANSPORTATION COMPANY OF BAINBRIDGE, GEORGIA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Respondent company above named was cited by Order No. 1236, dated December 13, 1939, for violating the law and the rules of the Commission in three particulars. Hearing was held on January 9, 1940 and postponed until February 20, 1940 at which time respondent was represented by Mr. A. E. Fivash of Brunswick, Georgia.

2. The first and second counts in the citation were on September 26, 1939. The respondent operated a truck Northbound out of Jacksonville to Brunswick, Georgia, without a "For Hire" license tag, without a Commission Plate, and without the vehicle being qualified with this Commission, and on the following date the same vehicle was operated Southbound from Brunswick into Jacksonville. The fourth count in the citation also charges that a vehicle was operated without a Railroad Commission number plate and without a Florida for hire license tag. While the respondent's witness pleaded ignorance of the violations and blamed

them on incompetent employees, yet the testimony is conclusive that they occurred and the respondent is found guilty on said charges.

3. The evidence is not sufficient to sustain a conviction on Counts 3 and 5, and on the portion of Count 2, charging a violation of schedule.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Five Transportation Company is guilty as found above and has incurred penalties which are hereby fixed as follows:

(1) **REVOCATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 15.**

(2) **PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$50.00 AS A FINE.**

It is further **ORDERED** that this order shall take effect on April 8th, 1940, and that the payment of said fine of \$50.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of March, 1940.

ORDER NO. 1286.

DOCKET NO. 100-66.

IN RE: APPLICATION OF BLUE'S TRUCK LINE, INC., FOR EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 111, TO INCLUDE HAULING UNDED CONTRACT WITH THE TEXAS COMPANY AND THE AMERICAN OIL COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter coming on for consideration before the Railroad Commission and it appearing that by Order No. 1222, dated November 24, 1939, Blue's Truck Line, Inc., was authorized to transport in tank trucks as a contract carrier under contract with American Oil Company, gasoline, motor fuel, kerosene, fuel and heating oils between various points in the State of Florida, and among such points it was authorized to transport between Port Everglades and Melbourne, Florida; and it now appearing that this operation could be better performed if Blue's Truck Line was permitted to transport these products from Sanford to Melbourne instead of from Port Everglades; and it further appearing that there is a demand for transportation of these products to Vero Beach and Blue's Truck Line desires to transport them from Port Everglades:

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Order No. 1222 be and the same is hereby amended to authorize Blue's Truck Line, Inc., to transport in tank trucks as a contract carrier under contract with American Oil Company gasoline, motor fuel, kerosene, fuel and heating oils over the highways of the State of Florida between the following points:

FROM	TO
Sanford, Florida,	Melbourne, Florida
Port Everglades, Florida	Vero Beach, Florida

at the rates set out in the Supplement dated February 16, 1940, filed with the Railroad Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida this 21st day of March, 1940.

ORDER NO. 1287,

DOCKET NO. 100-193.

IN RE: APPLICATION OF E. E. ROBINSON OF SANFORD, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A CONTRACT FREIGHT SERVICE HAULING THE CROWN PAPER PRODUCTS ONLY BETWEEN SANFORD AND ALL POINTS IN THE STATE OF FLORIDA OVER THE VARIOUS PUBLIC ROADS OF SAID STATE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter coming on for further consideration before the Commission, and the Commission having examined its files in this matter, and it appearing that by Order No. 229, dated September 30, 1930, a Certificate of Public Convenience and Necessity was awarded to E. E. Robinson to transport for the Crown Paper Company, Inc., and that conditions are placed in said order requiring the said E. E. Robinson to deliver to the regular certificated lines such business as they are able to perform; and it appearing that E. E. Robinson had a contract with the Crown Paper Company, Inc., dated June 24, 1931, running for a period of five years, and that said contract was extended in 1936 for an additional period of five years, and is still in force and effect under which contract E. E. Robinson, now doing business as Robinson's Transfer, has agreed to transport Crown paper products between Sanford and all points in the State of Florida.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Order No. 229 be and the same is hereby qualified and amended to authorize E. E. Robinson,

doing business as Robinson's Transfer, to transport Crown paper products under contract for the Crown Paper Company, Inc., between Sanford and all points in the State of Florida using the various public roads of said State.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 21st day of March, 1940.

ORDER NO. 1288,

DOCKET NO. 539.

IN RE: COMPLAINT AGAINST MCDOWALL TRANSPORT, INC., OF MIAMI, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. The respondent above named was charged in citation Order No. 1243 dated December 13, 1939, with violating the law and rules and regulations of this Commission by operating vehicles on two occasions without Railroad Commission number plates. Hearing on the citation was originally set for January 9, 1940, and on said date the respondent did not appear but the Commission considered respondent's Motion to Quash the citation. This motion was denied and the hearing was postponed to February 20, 1940. At this final hearing the respondent was not represented although it was shown that due notice thereof had been given.

2. The evidence shows conclusively that on December 8, 1939, two of the respondent's trucks were operated in Nassau County on State Road No. 3, one going Northbound and one going Southbound without any Railroad Commission plates attached thereto.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that McDowall Transport, Inc., is guilty as charged in said citation and has incurred penalties which are hereby fixed as follows:

(1) REVOCATION OF CERTIFICATE OF REGISTRATION NO. 38.

(2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$50.00 AS A FINE.

It is further ORDERED that this order shall take effect on April 8th, 1940, and that the payment of said fine on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said certificate shall stand and be enforced.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of March, 1940.

ORDER NO. 1289,

DOCKET NO. 363.

IN RE: COMPLAINT AGAINST GREAT SOUTHERN TRUCKING COMPANY OF JACKSONVILLE, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1280 dated February 29, 1940, Great Southern Trucking Company was found guilty of certain violations of the law and its Certificate of Public Convenience and Necessity No. 52 was revoked and a fine of \$30.00 was imposed upon it with the proviso that upon payment of fine of \$30.00 the judgment of the Commission would be satisfied. It now appears that the fine in amount of \$30.00 has been paid.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the fine of \$30 be and it is accepted as full satisfaction of the judgment imposed under said Order No. 1280, and said order be and the same is hereby CANCELED and SATISFIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of March, 1940.

ORDER NO. 1290,

DOCKET NO. 100-13.

IN RE: APPLICATION OF TAMiami TRAIL TOURS, INC., OF TAMPA, FLORIDA, FOR AN EXTENSION OF ITS CERTIFICATE TO OPERATE IN COMMON CARRIAGE OF PASSENGERS, BAGGAGE AND LIGHT EXPRESS BETWEEN TAMPA, FLORIDA, AND MACDILL FIELD, UNITED STATES ARMY AIR BASE.

PETITION OF TAMPA TRANSIT COMPANY OF TAMPA, FLORIDA, TO INTERVENE IN THIS PROCEEDING FOR THE PURPOSE OF SHOWING THAT THE TERRITORY INVOLVED IS ADJOINING SUBURBAN TERRITORY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Order No. 1271 dated February 16, 1940, this matter came on for formal hearing before the Railroad Commission of the

State of Florida at the Chamber of Commerce Building, Tampa, Florida, at 10 o'clock A. M. on Tuesday, March 5th, 1940.

Edwin Thomas, Duval Office Building, Tampa, Florida, and Leo P. Kitchen and Dan R. Schwartz, Professional Building, Jacksonville, Florida, appeared for Intervener, Tampa Transit Company.

A. Pickens Coles of Tampa, Florida, appeared for Tamiami Train Tours, Inc.

2. By Order No. 1250 dated January 18, 1940, Tamiami Trail Tours, Inc., was granted an extension of its Certificate of Public Convenience and Necessity No. 28, to include transportation of passengers and light express between Tampa, Florida, and MacDill Field, United States Army Air Base. By this order the Commission found that the territory to be served was not adjoining suburban territory to the city of Tampa, and, therefore, the Commission had jurisdiction over motor vehicles operating in this territory.

3. Tampa Transit Company of Tampa, Florida, alleged that it had been operating in this territory, and on February 15, 1940, filed with this Commission its petition to intervene in these proceedings and asked the Commission to reopen, rehear and reconsider Order No. 1250 for the purpose of allowing the Tampa Transit Company to show that the territory involved was adjoining suburban territory and not subject to the jurisdiction of the Commission. The Tampa Transit Company also asked that it be given the privilege of operating in this territory under a temporary order until this matter could be heard and decided. Temporary authority to operate was refused by the Commission and the matter was set down for hearing in Tampa as above mentioned.

4. At the hearing Tampa Transit Company was allowed to intervene and testimony was taken on the question of the jurisdiction of the Commission over the territory involved. From the testimony it appears that the territory involved lies West and South of the City Limits of Tampa. The Western boundary of the City of Tampa is Howard Avenue South of Grand Central Avenue. Grand Central Avenue is the main street in Tampa running East and West and Howard Avenue runs North and South from Grand Central Avenue to the bay. All of the area south of Memorial Highway, which is Grand Central Avenue extended, and west of Howard Avenue, is outside of the City limits of Tampa. The testimony indicated that this territory West of Howard Avenue and South of Memorial Highway down to and including Gandy Boulevard, is very thickly settled and it is difficult to tell where the city limits begin and end. From an occupancy survey of the City of Tampa, which was introduced in evidence as Intervenor's Exhibit No. 1, it appears that the total number of residences west of Howard Avenue and south of Cass Street to Gandy

Boulevard is 2649, but in the Ballast Point area from Gandy Boulevard to the northern boundary of the Army Air Base site there are only 379 residences. It was admitted on the record by counsel for intervenor that all of the territory involved was not adjoining suburban territory and that the United States Army Air Base was not adjoining suburban territory. This was later qualified to mean that it was the contention of the intervenor that the territory through which this particular route ran up to the northern boundary of the Air Base was adjoining suburban territory but that the Air Base itself was not such adjoining territory.

5. The Commission has carefully considered the record in this case and is of opinion that MacDill Field, the United States Army Air Base, nor the territory South of Gandy Boulevard to such field, is adjoining suburban territory. It is, however, of opinion that the territory West of Howard Avenue and South of Grand Central Avenue (Memorial Highway) down to and including Gandy Boulevard, is built up, improved and so thickly settled that it should be classified as adjoining suburban territory to the City of Tampa. It is further of opinion that its Order No. 1250, dated January 18, 1940, in which it held all of this territory not to be adjoining suburban territory should be modified and amended to show that such territory described above, that is to say, the territory West of Howard Avenue and South of Grand Central Avenue down to Gandy Boulevard, is suburban territory, and as so modified said Order should be affirmed.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the finding of this Commission as contained in Paragraph 4, of Order No. 1250, dated January 18, 1940, be modified and amended to read as follows:

"4. The Commission is of opinion that that portion of the territory involved in this proceeding West of Howard Avenue lying between Grand Central Avenue and Gandy Boulevard is adjoining suburban territory to the City of Tampa, but that that portion of the territory South of Gandy Boulevard up to and including MacDill Field, the United States Army Air Base, is not adjoining suburban territory and that motor vehicles operating into this territory are within the jurisdiction of this Commission."

It is further ORDERED that as so modified and amended Order No. 1250 dated January 18, 1940, be and the same is hereby affirmed and the right of Tamiami Trail Tours, Inc., to operate in common carriage transporting passengers and light express between Tampa and MacDill Field be and the same is hereby reaffirmed.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 14th day of March, 1940.

ORDER NO. 1291,

DOCKET NO. 672.

IN RE: APPLICATION OF TRANSPORTATION, INCORPORATED, A CORPORATION UNDER THE LAWS OF THE STATE OF GEORGIA, FOR APPROVAL OF THE ACQUISITION OF ALL OF THE RIGHTS AND PROPERTY AND FRANCHISES BELONGING TO M. & A. MOTOR FREIGHT LINES, INC.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1183 dated August 8, 1939, this Commission approved the lease agreement between J. A. Pittman and M. & A. Motor Freight Lines, Inc., of the operating rights of Pittman in interstate commerce between Pensacola, Florida, and Flomaton, Alabama, over State Road No. 7, and also issued to M. & A. Motor Freight Lines, Inc., Certificate of Registration.

2. It now appears that on the 23d day of February 1940, the Interstate Commerce Commission did authorize Transportation, Incorporated, to acquire all of the property, rights, franchises and Certificates of Public Convenience and Necessity of M. & A. Motor Freight Lines, Inc., and such property and franchises have been taken over and are being operated in interstate commerce between the City of Pensacola, Florida, and Flomaton, Alabama, by the said Transportation, Incorporated.

3. It further appears that Transportation, Incorporated, has now in force public liability and property damage insurance with this Commission and has petitioned this Commission to approve the reorganization and change of name of the M. & A. Motor Freight Lines, Inc., to Transportation, Incorporated.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the acquisition by Transportation, Incorporated, of all of the rights and permits belonging to M. & A. Motor Freight Lines, Inc., be and the same is hereby APPROVED, and Certificate of Registration is hereby GRANTED to Transportation, Incorporated, to operate in interstate commerce between Pensacola, Florida, and Flomaton, Alabama, over State Road No. 7, U. S. Highway No. 29.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3d day of April 1940.

ORDER NO. 1292,

DOCKET NO. 100-79.

IN RE: APPLICATION OF PETROLEUM CARRIER CORPORATION, JACKSONVILLE, FLORIDA, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A CONTRACT CARRIER AUTHORIZING IT TO TRANSPORT LIQUID PETROLEUM PRODUCTS IN TANK TRUCKS FOR REPUBLIC OIL REFINING COMPANY FROM TAMPA, FLORIDA, AND FROM JACKSONVILLE, FLORIDA, TO POINTS AND PLACES IN THE STATE OF FLORIDA USING THE PUBLIC HIGHWAYS OF THE STATE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 638 dated March 20, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the County Court House in Gainesville, Florida, on Friday, April 5, 1940.

Martin Sack appeared for the applicant.

W. J. Oven appeared for Receivers of Seaboard Air Line Railway and for Receivers of Florida East Coast Railway. Leo P. Kitchen appeared for Blue's Truck Line, Inc.

2. Republic Oil Refining Company has recently expended large sums in erecting terminals at Tampa and at Jacksonville from which it proposes to distribute its petroleum products. It has entered into a contract dated March 9, 1940 with Petroleum Carrier Corporation, a certificated contract carrier under this Commission, under which contract Petroleum Carrier Corporation has agreed to transport gasoline and kerosene only in tank trucks from these storage terminals at Tampa and Jacksonville, Florida, to various points in the State of Florida. The contract between the parties was offered in evidence. As a part of this contract the rates of transportation between Tampa and points in Florida, and between Jacksonville and points and places in Florida, are set out as an exhibit to the contract. Careful consideration of this rate schedule indicates that as a whole the rates are based on rail rates between these points except a few points on the East Coast of Florida where the rates from Tampa to these points are somewhat lower than rail rates.

3. The testimony indicated that it was the purpose of the Republic Oil Refining Company to continue the transportation of gasoline and kerosene to certain bulk stations in the State of Florida by rail. To other points in the State where it was impossible to reach the trade by using rail transportation it desired to transport its products by

truck, and in all cases where an emergency existed it desired to use truck transportation. The testimony further indicated that unless it could secure the authority to transport by regular certificated contract carriers it would be forced to use its own trucks in this transportation.

4. The Commission has carefully considered the evidence and is of opinion that public convenience and necessity require the granting of the application and the approval of the contract and rates set out therein between the parties.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity under which Petroleum Carrier Corporation now operates as a contract carrier be and the same is hereby extended to include the transportation of gasoline and kerosene only in tank trucks for Republic Oil Refining Company between Tampa and Jacksonville and various points in the State of Florida using the public highways of the State.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of April 1940.

ORDER NO. 1293,

DOCKET NO. 100-98.

IN RE: APPLICATION OF DAVID C. KITE, DOING BUSINESS AS KITE TRANSFER, GAINESVILLE, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A CONTRACT CARRIER TRANSPORTING MERCHANDISE FOR SEARS-ROEBUCK & COMPANY BETWEEN GAINESVILLE, FLORIDA, AND POINTS IN THE STATE WITHIN A RADIUS OF FIFTY MILES OF GAINESVILLE, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 638 dated March 20, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the County Court House in Gainesville, Florida, on Friday, April 5, 1940 at 10 o'clock A. M.

S. L. Scruggs of Gainesville, Florida, appeared for the applicant.

2. Kite Transfer has for many years been engaged in the transfer business in the City of Gainesville, and at one time operated under a permit from this Commission transporting household goods. It has now entered into a contract with Sears-Roebuck & Company which has

recently established a business there under which contract they are to transport merchandise from the store of Sears-Roebuck & Company to various points within a radius of fifty miles of Gainesville, Florida. The rates proposed for the transportation within the limits of the city are piece rates and the rates for transportation outside of the limits of the city are 10c per mile regardless of the weight of the lading. The application asks for authority to operate within a radius of fifty miles but the contract itself, which was filed in evidence, provides for an operation within a radius of forty miles of Gainesville. The testimony indicated that this was a typographical error and both parties to the contract, that is to say, Mr. Kite and the representative of Sears-Roebuck & Company, agreed to file a corrected statement of that part of the contract showing that it was the intention of both the parties that the contract should cover deliveries of merchandise to all towns within a radius of fifty miles. It is not proposed that the applicant transport merchandise for Sears-Roebuck & Company other than such merchandise as is sold out of the store located at Gainesville and to be delivered to its customers within a radius of fifty miles of Gainesville. The company is now receiving its goods into the store by other means of carriage and will continue to use this method of transportation; that it desires truck transportation for delivery of articles sold out of its store which cannot be speedily transported, and in some instances cannot be delivered by other means of transportation.

3. The Commission has carefully considered the record and finds that the rates proposed are fair and just and that public convenience and necessity require the granting of the application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of David C. Kite, doing business as Kite Transfer, for a Certificate of Public Convenience and Necessity as a Contract Carrier transporting merchandise for Sears-Roebuck & Company from its store in Gainesville, Florida, to various points in the State within a radius of fifty miles using the public highways of the State, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of April 1940.

ORDER NO. 1294,

DOCKET NO. 100-90.

IN RE: APPLICATION OF MRS. E. J. COLLIER DOING BUSINESS AS COLLIER'S TERMINAL WAREHOUSE & VAN COMPANY OF OCALA, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A CONTRACT CARRIER TRANSPORTING MERCHANDISE UNDER CONTRACT FOR SEARS-ROEBUCK & COMPANY FROM OCALA, FLORIDA, TO GAINESVILLE, PALATKA, SALT SPRINGS, UMATILLA, GROVELAND, BROOKSVILLE, YANKEETOWN AND BRONSON AND TO ALL POINTS INTERVENING BETWEEN OCALA AND THE ABOVE NAMED CITIES AND TOWNS USING THE HIGHWAYS OF THE STATE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 638 dated March 20, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the County Court House in Gainesville, Florida, on April 5, 1940, at 10 o'clock A. M.

Mrs. E. J. Collier appeared for the applicant.

2. Mrs. E. J. Collier, operating as Collier's Terminal Warehouse & Van Company of Ocala, Florida, is now operating under certificate from this Commission transporting used household goods and store fixtures between Ocala and various points in the State of Florida. She has recently entered into a contract with Sears-Roebuck & Company under the terms of which she is to transport merchandise sold out of its store in Ocala to various points named in the contract which said points are approximately within a radius of fifty miles of Ocala. Within the city limits piece rates apply to this transportation, and outside the limits she is to receive 10c per mile for the transportation of this merchandise regardless of the weight. The agreement between the party limits the transportation to merchandise sold out of the store of Sears-Roebuck & Company at Ocala, Florida, for delivery to various purchasers living within a radius of fifty miles of Ocala.

3. The Commission has considered the record made in this case and has approved the rates proposed and finds that public convenience and necessity require the granting of the certificate.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Mrs. E. J. Collier doing business at Collier's Terminal Warehouse & Van Company of Ocala, Florida, for a Certificate of Public Convenience and Necessity as a Contract Carrier transporting merchandise sold out of the store of Sears-Roebuck of Ocala, Florida, to points and places within a

radius of fifty miles of Ocala using the highways and roads of the State of Florida be and the same is hereby GRANTED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of April, 1940.

ORDER NO. 1295,

DOCKET NO. 100-1.

IN RE: APPLICATION OF CENTRAL TRUCK LINES, INC., OF TAMPA, FLORIDA, FOR APPROVAL OF TIME TABLE NO. 4, SCHEDULE NO. 24, BETWEEN ATLANTA, GEORGIA, AND TAMPA, FLORIDA, VIA VALDOSTA, GEORGIA, AND OCALA, FLORIDA, OVER U. S. HIGHWAYS 41 AND 441, GEORGIA HIGHWAY NO. 7.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 637 dated March 2, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Mayflower Hotel, Jacksonville, Florida, on Monday, March 18, 1940, at 10 o'clock A. M.

Sidney Allen, T. B. Smith and J. F. Smalley appeared for Central Truck Lines, Inc., the applicant.

W. J. Oven and C. E. Edwards appeared for receivers of Seaboard Air Line Railway.

J. R. Hunter for Railway Express Agency, Inc.

C. C. Copp for Southern Railway.

W. T. Wolfe for L. & L. Freight Lines, Inc.

J. A. Bliss for St. Johns River Line Company.

2. Central Truck Lines, Inc., filed its application with this Commission for a schedule known as Time Table No. 4, Schedule No. 24, between Atlanta, Georgia, and Tampa, Florida. This schedule proposed a leaving time from Atlanta Southbound at 12:00 noon, arriving in Tampa at 3:00 A. M.—leaving Tampa at 1:00 P. M. arriving in Atlanta at 4:00 A. M. This schedule was tentatively approved on January 31, 1940, and the said schedule was put into operation at that time. Objections were filed with the Commission from competitive lines as to the operation of this schedule and the matter was set down for formal hearing as heretofore stated.

3. The purpose of this schedule was to make an overnight delivery into the Miami area by interchange with the Tamiami Trail Tours, Inc., at Tampa, and also to clear the Atlanta terminal of the applicant of freight, and also to compete with a schedule known as the Tampa Flyer

operated by the L. & L. Freight Lines, Inc. The testimony shows that prior to the inauguration of this schedule the applicant was operating five other regular schedules out of Atlanta but that none of them operated out of Atlanta earlier than 6:00 P. M. That it was necessary for the applicant to have an earlier delivery in order to make connection with Tamiami Trail Tours, Inc., at Tampa and to make an interchange of freight for Miami without unnecessary layover in Tampa. That the inauguration of this schedule has decreased to some extent the operation of additional sections on other schedules so that the net result is that the applicant is operating the same number of pieces of equipment that they were operating before but are now making earlier deliveries of freight at Miami.

4. The Commission has considered the evidence in this case and is of opinion that public convenience and necessity requires the granting of this application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Time Table No. 4, Schedule No. 24, now being operated by Central Truck Lines, Inc., leaving Atlanta at 12:00 noon arriving at Tampa at 3:00 A. M. and leaving Tampa at 1:00 P. M. and arriving Atlanta at 4:00 A. M. heretofore tentatively approved by this Commission on January 31, 1940, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of May, 1940.

ORDER NO. 1296.

DOCKET NO. 726.

IN RE: APPLICATION OF TAMPA TRANSIT COMPANY OF TAMPA, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRANSPORT PASSENGERS AND FREIGHT BETWEEN TAMPA, FLORIDA, AND MCDILL FIELD, UNITED STATES ARMY AIR BASE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Notice No. 635, dated February 19, 1940, this matter was set down for hearing in Tampa, Florida, at the Chamber of Commerce Building, on March 5, 1940. When the case was called a motion was made that it be continued which motion was granted and the case was set down for hearing on Monday, April 1, 1940, at the Chamber of Commerce Building. Hearing in this proceeding was further postponed until April 16, 1940, and was heard on said date.

Leo P. Kitchen and Dan R. Schwartz appeared for the applicant.

A. Pickens Coles appeared for Tamiami Trail Tours, Inc., protestant.

2. By Order No. 1290 dated March 14, 1940, after a full hearing, this Commission held that that portion of the territory between Tampa and McDill Field west of Howard Avenue lying between Grand Central Avenue and Gandy Boulevard to be adjoining suburban territory to the city of Tampa but that portion of the territory South of Gandy Boulevard up to and including McDill Field, the United States Army Air Base, is not adjoining suburban territory and that motor vehicles operating into this territory are within the jurisdiction of this Commission.

3. The applicant has since the date of that order been operating into the territory which was held by this Commission to be adjoining suburban territory to the city of Tampa, and now seeks authority to operate from Tampa not only through this adjoining suburban territory but also through the territory South of Gandy Blvd., to McDill Field, which this Commission has held is not adjoining suburban territory. Several witnesses were presented by the applicant who testified as to the convenience and necessity of this operation. Especial importance was placed upon the ability of the applicant to serve this territory with many schedules and at reduced rates.

4. Tamiami Trail Tours, Inc., by Order No. 1250, dated January 18, 1940, was granted an extension of its Certificate of Public Convenience and Necessity No. 28 to include the transportation of passengers and light express between Tampa and United States Army Air Base, and is now serving this identical territory. This company protested the granting of the present application on the ground that it was now serving this territory at a loss and that there was not sufficient business in the territory to warrant a duplication of its operations. It further pointed out that although applicant had the right to operate and serve this territory as far down as Gandy Boulevard that it was not now operating in that territory. The applicant testified that it was not possible to operate down as far as Gandy Boulevard at a profit unless it also be permitted to go below Gandy Boulevard. There was also some question as to the ability of the applicant to operate profitably in this territory if all of its operations in and out of Tampa should be brought under the jurisdiction of the Railroad Commission.

5. The Commission has carefully considered the record in this case and is of opinion that since Tamiami Trail Tours, Inc., now has a certificate to serve this territory, and is serving it on a schedule of twenty trips per day, and has offered to increase its service if public convenience and necessity require it, no other transportation company should be permitted to enter this territory.

WHEREFORE, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Tampa Transit Company of Tampa, Florida, for a Certificate of Public Convenience and Necessity to transport passengers and freight between Tampa, Florida, and McDill Field, United States Army Air Base, be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of May, 1940.

ORDER NO. 1297,

DOCKET NO. 100-53.

IN RE: COMPLAINT AGAINST FIVE TRANSPORTATION COMPANY OF BRUNSWICK, GEORGIA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1285 dated March 18, 1940, Five Transportation Company was found guilty as charged in the citation issued against it, and its Certificate of Public Convenience and Necessity No. 15 was revoked and it was ordered to pay a fine of \$50.00. Said order also provided that the payment of said fine of \$50.00 would be accepted as full satisfaction of the judgment rendered against said company. It now appears that said fine of \$50.00 has been paid.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commissioner of the State of Florida that the payment of said fine of \$50.00 be and it is hereby accepted as full satisfaction of the judgment rendered against Five Transportation Company and the citation is hereby satisfied and DISCHARGED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of April, 1940.

ORDER NO. 1298,

DOCKET NO. 100-62.

IN RE: COMPLAINT AGAINST C. & H. TRANSFER COMPANY OF FORT LAUDERDALE, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1284 dated March 18, 1940, C. & H. Transfer Company of Fort Lauderdale, Florida, was found guilty as charged in citation issued against it and penalties were imposed of revocation of Certificate of Public Convenience and Necessity No. 147 and payment of a fine of \$75.00. It was further provided in said order that the payment of said fine of \$75.00 would be accepted as full satisfaction of the judgment rendered in said proceeding. It now appears that said fine has been paid.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of the fine of \$75.00 by C. & H. Transfer Company of Fort Lauderdale, Florida, be and the same is hereby accepted as full satisfaction of the judgment rendered against said company and the citation is hereby satisfied and discharged.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its offices in the City of Tallahassee, Florida, this 30th day of April, 1940.

ORDER NO. 1299,

DOCKET NO. 539.

IN RE: COMPLAINT AGAINST MCDOWALL TRANSPORT, INC., OF MIAMI, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1288 dated March 18, 1940, McDowall Transport, Inc., was found guilty of certain violations of the law and its certificate was revoked and a fine of \$50.00 was imposed upon said company. It was also provided in said order that the payment of said fine of \$50.00 would be accepted as full satisfaction of the judgment rendered. It now appears that the said fine of \$50.00 has been paid.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of said

fine of \$50.00 be and it is hereby accepted as full satisfaction of the judgment rendered in this proceeding and the citation against McDowall Transport, Inc., is hereby satisfied and discharged.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of April, 1940.

ORDER NO. 1300.

DOCKET NO. 499.

IN RE: JOINT APPLICATION OF BRADSHAW B. CLARKE DOING BUSINESS AS CLARKE MOTOR LINES AND CLARKE MOTOR LINES, INC., FOR TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 214 FROM THE FORMER TO THE LATTER.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room in Tallahassee, Florida, on May 14, 1940. Then and there appeared the following:

Bradshaw B. Clarke of Donaldsonville, Georgia, and C. O. Lenoir of Jacksonville, Florida, for the joint applicants.

2. On February 26, 1938, B. B. Clarke of Donaldsonville, doing business as Clarke Motor Lines, was granted authority by this Commission to transport passengers and light express from Marianna, Florida, through Greenwood and Bascom, Florida, and thence into Georgia over the Chattahoochee River and on up to Albany, Georgia. This carrier now desires to incorporate its business under the name of Clarke Motor Lines, Inc. It was testified that the corporation would assume all assets and liabilities of the carrier and take over the business as of March 31, 1940.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that this application be approved and that the transfer of Certificate of Public Convenience and Necessity No. 214 from Bradshaw B. Clarke doing business as Clarke Motor Lines, to Clarke Motor Lines, Inc., take effect as of midnight, March 31, 1940.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of May, 1940.

ORDER NO. 1301,**DOCKET NO. 100-29.**

IN RE: CANCELLATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 107 HELD by A. B. C. TRANSFER COMPANY OF ORLANDO, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. It has been made to appear to the Commission that St. Johns River Line Company of Jacksonville, Florida, a certificated motor and water carrier under the jurisdiction of this Commission, has purchased all the capital stock of the A. B. C. Transfer Company and is not operating the certificate rights of said company because they cover territory already served by the St. Johns River Line Company. Upon a petition of the St. Johns River Line Company it is:

Therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 107 of A. B. C. Transfer Company be and the same is hereby CANCELLED as of December 31, 1935.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 23d day of May, 1940.

ORDER NO. 1302,**DOCKETS NOS. 349 AND 181.**

IN RE: APPLICATION OF P. T. MALONE, DOING BUSINESS AS MALONE HORSE PULLMAN SERVICE OF CORAL GABLES, FLORIDA, FOR A CERTIFICATE TO TRANSPORT RACE HORSES BETWEEN THE RACE TRACKS IN DADE COUNTY, FLORIDA.

IN RE: APPLICATION OF RAILWAY EXPRESS AGENCY, INC., FOR CERTIFICATE TO TRANSPORT RACE HORSES BETWEEN THE RACE TRACKS IN DADE COUNTY, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA**ON RE-HEARING**

1. These applications came on for further hearing before the Railroad Commission of the State of Florida at the Dade County Court House, Miami, Florida, on February 9, 1940, pursuant to Orders Nos. 1251 and

1252 re-opening said applications for the purpose of receiving additional evidence. The following appeared:

Wm. J. Pruitt of Miami, Florida, appeared for applicant P. T. Malone.

Blair Foster of Atlanta, Georgia, appeared for applicant, Railway Express Agency, Inc.

Leo P. Kitchen of Jacksonville, Florida, appeared for protestants, John E. Withers Transfer & Storage Company and Leonard Brothers Transfer & Storage Company.

2. These applications were originally heard on January 25, 1939, in Miami and that of the Railway Express Agency, Inc., was denied by Order No. 1217 dated December 5, 1939, and that of P. T. Malone was denied by Order No. 1218 dated December 5, 1939. Rehearings were ordered in each case and the cases were consolidated by agreement of the parties at the hearing and one record was made for both cases.

3. The Commission having received the additional evidence and carefully considered the same, and being of opinion that no new evidence sufficient to set aside its former orders has been produced and that these applications should be denied for the reasons set forth in the former Orders Nos. 1217 and 1218:

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the applications of P. T. Malone, doing business as Malone Horse Pullman Service, and Railway Express Agency, Inc., for authority to transport race horses, saddle horses and polo ponies between the race tracks in Dade County, Florida and the Riding Academy and depots and platforms of the rail carriers in and adjacent to Miami, Florida, be and the same are hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 31st day of May, 1940.

ORDER NO. 1303,

DOCKET NO. 736.

IN RE: APPLICATION OF MIAMI-OPA LOCKA BUS LINES, INC. OF MIAMI, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF PASSENGERS BETWEEN MIAMI AND OPA LOCKA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Application has been filed by Miami-Opa Locka Bus Lines, Inc. of Miami, Florida, for Certificate as a common carrier of passengers

between Miami and the city of Opa Locka, Florida, a distance of approximately thirteen miles. Applicant has been operating this service since November 1, 1939, and is rendering the only bus service between these points. There is some doubt as to whether or not the operation is under the jurisdiction of the Railroad Commission, and under these circumstances the Commission is of opinion that temporary authority to operate should be granted pending formal hearing on the application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that temporary authority is hereby **GRANTED** to Miami-Opa Locka Bus Lines, Inc. of Miami, Florida, to operate a common carrier bus service between the cities of Miami and Opa Locka pending final hearing and determination of the application, using the routes, schedules and rates filed with the application.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 31st day of May 1940.

ORDER NO. 1304,

DOCKET NO. 100-61.

IN RE: APPLICATION OF UNION EXPRESS FREIGHT COMPANY, INC. (LESSEE OF PITTMAN TRUCK LINE) FOR DAILY SCHEDULE BETWEEN PENSACOLA AND MARIANNA WITH ONE DAY A WEEK SERVICE TO RIVER JUNCTION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room in the Supreme Court Building, Tallahassee, Florida, on May 14, 1940. The following appeared:

Edward J. Havel of Silver Hill, Alabama, and D. E. Weeks of Pensacola, Florida, for the applicant.

2. The applicant now operates a tri-weekly service over State Highway No. 1, between the Alabama-Florida line through Pensacola to Marianna. It operates one day each week from Marianna to River Junction and return. This application seeks authority to make the service a daily one but continuing the one day a week service to River Junction, which will be served on Wednesday of each week. The evidence shows a need for this additional service.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application

of Union Express Freight Company, Inc. of Mobile, Alabama, (lessee of Pittman Truck Line) for daily schedule between Pensacola and Marianna, Florida, be and the same is hereby GRANTED, and that the schedule for said service attached to and made a part of this order, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 29th day of May 1940.

ORDER NO. 1305.

DOCKET NO. 727.

IN RE: APPLICATION OF VAN J. JERNIGAN OF MILTON, FLORIDA, FOR CERTIFICATE AUTHORIZING THE TRANSPORTATION OF PASSENGERS AND LIGHT EXPRESS BETWEEN MILTON, FLORIDA, AND FLOMATON, ALABAMA, VIA JAY, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on May 14, 1940. The following appeared:

A. L. Johnson of Milton, Florida, for applicant.

2. The applicant is a farmer living in Santa Rosa County of which Milton is the County seat and has applied for authority to operate a bus service between Milton and Flomaton, Alabama. The proposed route extends from Milton north over State Road 37 to its junction with Road 62; thence west over Road No. 62 through the town of Jay to its junction with a county road in Escambia County about one and one-half miles east of State Road 7; thence north over this County road into Flomaton, a total distance of about thirty-eight miles. It was shown that the area through which this service would operate is a rich farm section with no transportation service, and that the proposed service would fill a need for transportation to the markets and trading centers of Milton and Flomaton. The Commission finds that public convenience and necessity require this service and that the applicant is able to perform it.

3. Applicant originally applied for the transportation of passengers and freight but it developed at the hearing that he was not equipped to haul general merchandise but only such baggage and light express as can be handled in a small bus, and his authority will be so limited. The rates proposed are 50c from Milton to Flomaton, 20c

from Jay to Flomaton, and 35c from Jay to Milton, with round trip fares between these points of 90c, 35c and 65c respectively. Two round trips per day are proposed, one in the morning and one in the afternoon. Applicant will be given forty-five days from the date of this order in which to finish securing his equipment and begin operations.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Van J. Jernigan of Milton, Florida, for Certificate of Public Convenience and Necessity as a common carrier of passengers and light express between Milton, Florida, and Flomaton, Alabama, via Jay be and the same is hereby **GRANTED**.

It is further **ORDERED** that the fares stated above are hereby **APPROVED**; that the applicant shall begin operation within forty-five days from the date of this order and shall give due notice thereof to this Commission; and that ten (10) copies of the proposed schedule shall be filed in accordance with the rules of the Commission.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 31st day of May 1940.

CITATION

ORDER NO. 1306,

DOCKET NO. 659.

IN RE: COMPLAINT AGAINST LAWRENCE R. HORNE FOR FAILURE TO MAKE REPORT AND PAY MILEAGE TAXES FOR CERTAIN MONTHS IN 1939.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter coming on for further consideration and it appearing that the respondent herein has paid the fine of \$50.00 imposed by Order No. 1199 dated November 3, 1939 for failure to pay certain mileage taxes and make certain mileage tax reports:

It is, therefore **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that said \$50.00 is hereby accepted as full satisfaction of all penalties fixed in said Order No. 1199, and the citation against the respondent be, and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of June 1940.

CITATION

ORDER NO. 1307,

DOCKET NO. 364.

IN RE: COMPLAINT AGAINST LEROY BOWDEN OF PERRY, FLORIDA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

WHEREAS, it has been reported to this Commission that Leroy Bowden of Perry, Florida, has violated the law and the rules and regulations of this Commission in the particulars hereinafter set forth:

Therefore you, Leroy Bowden **TAKE NOTICE** that the Railroad Commission of the State of Florida charges you as follows:

A violation of the law and of the Rules and Regulations of this Commission in that you have operated motor vehicles under your authority from this Commission since January 1, 1940 without 1940 Railroad Commission Tags attached to said vehicles as required by the law and the rules of this Commission.

And further **TAKE NOTICE** that on Wednesday, July 10, 1940, at 10 o'clock A. M. the Railroad Commission of the State of Florida will be in session at its **HEARING ROOM**, Supreme Court Building, Tallahassee, Florida, to hear, consider and determine whether or not you are guilty of having violated the law as aforesaid, and if found guilty to then and there consider what penalty shall be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charge.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 21st day of June 1940.

ORDER NO. 1308,

DOCKET NO. 559.

IN RE: COMPLAINT AGAINST JOHN R. CATON TRANSFER OF ANDALUSIA, ALABAMA, FOR VIOLATION OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

WHEREAS, it has been reported to this Commission that John R. Caton of Andalusia, Alabama, has violated the law and the Rules and Regulations of this Commission in the particulars hereinafter set forth:

Therefore you, JOHN R. CATON, TAKE NOTICE that the Railroad Commission of the State of Florida charges you as follows:

A violation of the law and of the Rules and Regulations of this Commission in that you have operated motor vehicles under your authority from this Commission since January 1, 1940, without 1940 Railroad Commission Tags attached to said vehicles as required by the law and the rules of this Commission.

And further TAKE NOTICE that on Wednesday, July 10, 1940, at 10 o'clock A. M. the Railroad Commission of the State of Florida will be in session at its Hearing Room, SUPREME COURT BUILDING, Tallahassee, Florida, to hear, consider and determine whether or not you are guilty of having violated the law as aforesaid, and if found guilty to then and there consider what penalty shall be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charge.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 21st day of June, 1940.

ORDER NO. 1309,

DOCKET NO. 100-77.

IN RE: APPLICATION OF NATIONAL TRUCKING COMPANY, JACKSONVILLE, FLORIDA, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 122, TO HAUL UNDER CONTRACT FOR HYDRAULIC TRACTOR & EQUIPMENT COMPANY, INC. FORD TRACTORS BETWEEN JACKSONVILLE AND ALL POINTS IN FLORIDA OVER THE HIGHWAYS OF THE STATE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 640 dated June 3, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Tallahassee, Florida, on June 18, 1940, at 10 o'clock A. M.

A. Y. Milam of Jacksonville appeared for applicant.

McCarthy Crenshaw of Jacksonville appeared for protestant, Flamingo Truck Lines, Inc.

2. The applicant, National Trucking Company, which is authorized under Certificate No. 122, and is now engaged in private contract carriage of Ford Automobiles between Jacksonville, Florida, and all points and places in Florida, filed an application asking that its certificate be extended to permit the transportation in contract carriage of Ford tractors and also filed its written memorandum contract and agreement between it and Hydraulic Tractor & Equipment Company, Inc., a Florida corporation. This contract provides for the transportation in private contract carriage of Ford tractors, Ferguson system, for the shipper, Hydraulic Tractor & Equipment Company, Inc., to the shipper's agents or consignees at various points in the State of Florida. This contract was dated March 30, 1940. It was the purpose of the shipper, Hydraulic Tractor & Equipment Company, distributor of the Hydraulic tractor and Ford Motor products, to give its Ford dealers over the State the same service in connection with tractors that they now enjoy in connection with Ford automobiles. At the hearing it appeared that there were also certain plows, harrows and cultivators attached to the tractor equipment, and the shipment of the tractor includes also these implements which are attached to the tractor. These implements are detachable, however, and it often happens that the owner of a tractor needs certain equipment which may wear out or become broken. The original contract did not provide for the separate transportation of these implements and an amendment to the contract was permitted at the hearing.

3. There seemed to be no opposition to the transportation of the tractor and the implements attached thereto, but the common carriers objected to the amendment to the contract providing for the separate transportation of these detachable implements, which are about twenty in number and include various plows, harrows, cultivators and parts. The Commission has given careful consideration to this application, and to the testimony produced at the hearing and is of opinion that the separate transportation of these implements should be permitted as a service needed by the owners of the tractor, and since the transportation of these implements is not an exclusive transportation, as the owner has the right at his option to order them by other methods of transportation. It is

further of opinion that public convenience and necessity require the granting of the application as amended.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of National Trucking Company of Jacksonville, Florida, for an extension of its Certificate of Public Convenience and Necessity No. 122, authorizing the transportation under contract for Hydraulic Tractor & Equipment Company, Inc., in accordance with the terms and conditions of the contract on file with this Commission of Ford tractors and implements necessary to the use of said tractors, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 20th day of June, 1940.

ORDER NO. 1310,

DOCKET NO. 100-61.

IN RE: APPLICATION OF UNION EXPRESS FREIGHT COMPANY (LESSEE OF PITTMAN TRUCK LINE) FOR DAILY SCHEDULE FROM THE ALABAMA-FLORIDA LINE THROUGH PENSACOLA TO MARIANNA, FLORIDA, WITH ONE DAY A WEEK SERVICE TO RIVER JUNCTION, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This Commission's order No. 1304, dated May 29, 1940, approved a new schedule for the Union Express Freight Company, Inc., over State Road No. 1 between the Alabama-Florida line through Pensacola and Marianna and to River Junction once a week.

2. Upon motion of the applicant to clarify this order in order to show that the new schedule does not stop at Pensacola but includes that portion of State Highway No. 1, between Pensacola and the Alabama-Florida line; and to show that the new schedule is an additional one to the two already operated from Pensacola West:

It is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Union Express Freight Company, Inc., of Mobile, Alabama, (lessee of Pittman Truck Line) for daily schedule between Pensacola and Marianna, Florida, and for an additional schedule between Pensacola and the Alabama-Florida State line, all over State Highway No. 1, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 27th day of June, 1940.

ORDER NO. 1311,

DOCKET NO. 100-6.

IN RE: APPLICATION OF L. & L. FREIGHT LINES, INC., FOR APPROVAL OF TIME TABLE NO. 2, SCHEDULE NO. 5, BETWEEN ORLANDO, FLORIDA, AND INDIAN RIVER CITY, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. The Railroad Commission in informal conference tentatively approved Time Table No. 2, Schedule No. 5, operated by L. & L. Freight Lines, Inc., between Orlando, Florida, and Indian River City, Florida, effective September 9, 1939, with the understanding that if complaint should arise on the part of any competing line that a formal hearing would be necessary. Complaint was made by Tamiami Trail Tours, Inc., of Tampa, Florida, and the Commission set the matter down for hearing at the Mayflower Hotel, Jacksonville, Florida, at 10:00 A. M., March 18, 1940. At this hearing there appeared:

W. T. Wolfe and Martin Johnson of Jacksonville, Florida, represented L. & L. Freight Lines, Inc.

E. R. Rowland of Tampa, Florida, represented Tamiami Trail Tours, Inc.

Sidney Allen of Tampa, Florida, appeared for Central Truck Lines.

2. At the close of the hearing the Commission allowed ten days for the filing of briefs. Request was made by Tamiami Trail Tours, Inc., through its attorney, A. Pickens Coles, for oral argument and the Commission heard both parties in oral argument on May 10th.

3. Time Table No. 2, Schedule No. 5, of the L. & L. Freight Lines, Inc., which is now before the Commission for approval, provides for an operation between Orlando, Florida, and Indian River City, Florida, leaving Orlando at 7:00 P. M. arriving Indian River City 8:30 P. M.; leaving Indian River City 9:30 P. M. arriving Orlando 11:00 P. M.; leaving Orlando 12:30 A. M. arriving Indian River City 2:00 A. M. and leaving Indian River City 5:00 A. M. arriving Orlando 6:30 A. M. Time Table No. 2, Schedule No. 4, which the present schedule supersedes, was approved at a formal hearing of this Commission on June 14, 1939, and the only change now sought calls for a departure time from Orlando at 12:30 A. M. instead of 2:30 A. M. with an arrival time at Indian River City of 2:00 A. M. instead of the former arrival time of 4:00 A. M. In other words, this Time Table sets up one schedule by two hours. The applicant claims that this change in schedule was to improve its operating efficiency by eliminating certain mileage and other expenses, and also enable it to transport freight from Orlando to Indian River City in time to make

connection with some of its extra sections of its Southbound schedule out of Jacksonville. Tamiami Trail Tours, Inc., objects to the approval of this schedule on the ground that it not only would result in an expedited through service between Tampa and the lower East Coast without a finding of public convenience and necessity, but that it is also a violation of the rules and regulations of the Commission to permit the applicant to continue this schedule from Indian River City South to West Palm Beach as an extra section of its authorized Jacksonville-Miami schedule.

4. The Commission has carefully considered the record, the briefs and oral argument of the parties and is of opinion that the approval of this schedule change would not result in a new service but rather a speeding up of a service which the applicant now has the right to perform, and it sees no reason why interchange of freight might not be made at any point along a carrier's line if by such interchange the freight is moved to ultimate destination earlier and the public is benefited by such change and the carrier itself benefits through operating economies.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Time Table No. 2, Schedule No. 5, of the L. & L. Freight Lines, Inc., operated between Orlando, Florida, and Indian River City, Florida, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 18th day of June, 1940.

ORDER NO. 1312,

DOCKET NO. 737.

IN RE: JOINT APPLICATION OF TREK, INC., (FLAMINGO TRUCK LINES, INC.), L. & L. FREIGHT LINES, INC., W. L. AKINS TRANSPORTATION COMPANY, INC., AND STAR TRUCK LINE, INC., FOR APPROVAL OF THAT CERTAIN "AGREEMENT OF MERGER" MADE AND ENTERED INTO ON MAY 27TH, A. D. 1940, BY AND BETWEEN THESE SEVERAL COMPANIES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 640, dated June 3, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on Tuesday, June 18, 1940.

Victor Blue and McCarthy Crenshaw of the firm of Adair, Kent, Ashby & McNatt, Barnett National Bank Building, Jacksonville, Florida, appeared for the applicants.

A. Pickens Coles, Tampa, Florida, for protestant, Tamiami Trail Tours, Inc.

John M. Allison of Tampa for protestant, Central Truck Lines, Inc.

2. Joint application of Trek, Inc., L. & L. Freight Lines, Inc., W. L. Akins Transportation Company, Inc., and Star Truck Line, Inc., was filed with this Commission seeking approval of a certain merger agreement entered into on May 27th, 1940, by and between Trek, Inc., and said companies, which was a true and correct copy of the Certificate which is on file with the Secretary of State and approved by him under Sections 6562-63-64, Compiled General Laws of Florida, 1927, as amended by Chapter 17807, Laws of Florida, 1937. Under such merger agreement there was consolidated under the name of Trek, Inc., the following common carrier Certificates of Public Convenience and Necessity authorizing transportation of freight by motor vehicle:

Certificates Nos. 14, 24, 112, 13, and part of Certificate No. 91 issued to L. & L. Freight Lines, Inc.

Certificate No. 70 issued to and held by W. L. Akins Transportation Company, Inc., and operated since January 1, 1935, by L. & L. Freight Lines, Inc., under lease approved by this Commission.

Certificates Nos. 35 and 37 issued to and operated by Star Truck Line, Inc.

3. When the original of this joint application was filed Trek, Inc., was the holding company but not an operating company. It owned all of the stock of the L. & L. Freight Lines, Inc., W. L. Akins Transportation Company, Inc., and Star Truck Line, Inc. Later, and on May 31, 1940, by proper action of its stockholders, and by filing a copy of the resolution adopted by its stockholders with the Secretary of State, the name of the holding company, Trek, Inc., was changed to Flamingo Truck Lines, Inc. At this hearing motion was made by applicants, and granted by the Commission, to change the name wherever it appeared in the application from "Trek, Inc.," to "Flamingo Truck Lines, Inc." In addition to asking for approval of the merger agreement, the applicants seek authority for the continuing corporation (Flamingo Truck Lines, Inc.) to adopt all of the tariffs, time schedules and traffic agreements, on file with this Commission by the petitioning corporations, and also to operate said certificates as an auto transportation company under the laws of Florida.

4. In general, the Certificates of Public Convenience and Necessity sought to be merged into one ownership cover the following territory:

Certificate No. 14.—Jacksonville to Miami.

Certificates Nos. 24 and 112.—West Palm Beach to Miami.

Certificate No. 13.—Jacksonville to Palatka and Hastings.

Part of Certificate No. 91.—Jacksonville to Gainesville.

Certificate No. 70.—Jacksonville to Palatka and Jacksonville to Daytona Beach, DeLand, Sanford, Orlando and Indian River City.

Certificates Nos. 35 and 37.—Orlando to Tampa.

5. The applicants stated that it was their purpose in affecting this merger to simplify their corporate structure, save expenses incident to operating several separate corporations, and also to make considerable savings in their capital stock tax paid to the Federal Government. The approval of this merger will also eliminate the necessity for filing separate reports with this Commission and with the Comptroller of the State of Florida, and separate tariffs now filed by the petitioning companies. The joint application shows, and witnesses testified to the fact, that under Docket MC-F-864 the Interstate Commerce Commission approved this merger, and the order of the Interstate Commerce Commission is reported in 25 M. C. C. 675.

6. The applicants since the hearing have filed with this Commission copy of Balance Sheet showing the before and after giving effect of the merger as of May 31, 1940; certified copy of the Certificate of Incorporation of Trek, Inc., and a copy of the Lease Agreement form used by Star Truck Line, Inc., and L. & L. Freight Lines, Inc. The filing of these papers were required by the Commission before the entry of any order in this matter.

7. The Commission has carefully considered the joint application, the testimony of the applicants and the protestants made on behalf of certain carriers, and is of the opinion that the approval of the "Merger Agreement" will result in benefits to the carriers involved and to the public; that the approval of this Merger Agreement will grant no new rights to Flamingo Truck Lines, Inc., but simply be a merging in it of the rights now enjoyed under Certificates of Public Convenience and Necessity heretofore described by the consolidating companies. It is not the purpose that any existing schedules shall be changed but that the continuing corporation will be required to operate the existing schedules until changed by further order of this Commission. It is further of opinion that the Certificates of Public Convenience and Necessity now being merged should be consolidated into one Certificate which shall be issued to the continuing corporation, Flamingo Truck Lines, Inc., and that said Certificate of Public Convenience and Necessity should show on its face that it is a consolidated certificate embracing all the rights and franchises of the merged certificates.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the "Agreement of Merger" entered into by and between Flamingo Truck Lines, Inc., (successor to Trek, Inc.), L. & L. Freight Lines, Inc., W. L. Akins Transportation

Company, Inc., and Star Truck Line, Inc., as described in the joint application of said companies, and the exhibits attached thereto and filed with this Commission at the hearing, be and the same is hereby **APPROVED**.

It is further **ORDERED** that a Certificate of Public Convenience and Necessity be issued to Flamingo Truck Lines, Inc., authorizing it to operate as a common carrier of freight by motor vehicle over the routes and in accordance with the schedules heretofore operated by L. & L. Freight Lines, Inc., W. L. Akins Transportation Company, Inc., and Star Truck Line, Inc., and that said Certificate of Public Convenience and Necessity shall be a consolidated Certificate embracing all of the rights and franchises of Certificates of Public Convenience and Necessity Nos. 14, 24, 112, 13, part of 91, 70, 35 and 37.

It is further **ORDERED** that this order shall be and become effective as of June 1st, 1940.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 20th day of June, 1940.

ORDER NO. 1313,

DOCKET NO. 560.

IN RE: CANCELLATION OF OPERATING RIGHTS OF W. A. ARMSTRONG OF BRADENTON, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Order No. 1078 of this Commission dated June 3, 1938 approved the issuance of a Certificate of Public Convenience and Necessity to W. A. Armstrong of Bradenton, Florida, permitting him to operate as a common carrier of persons, mail and light express between Palmetto, Bradenton and Bradenton Beach.

2. The records of the Commission show that W. A. Armstrong has never complied with the rules of the Commission with reference to the filing of Certificate of Insurance and qualifying the vehicles to be used in his operation, although he has been repeatedly requested to do so by the Commission, and extensions of time have been given at his request for such compliance.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Order No. 1078 is hereby **REVOKED** and all rights of W. A. Armstrong of Bradenton, Florida, to operate as an auto transportation company are hereby **CANCELED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 9th day of July, 1940.

CITATION**ORDER NO. 1314,****DOCKET NO. 475.**

IN RE: CITATION AGAINST CHARLES DE VANE OF DOTHAN, ALABAMA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES AND MAKE CERTAIN MILEAGE REPORTS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Citation issued on June 21, 1940, the respondent, Charles De Vane of Dothan, Alabama, was charged with failure to pay the Comptroller of the State of Florida mileage taxes for the months of January, February, March, April and May, 1940, and with failure to file Mileage Reports for said months with this Commission, as required by law. Said citation was heard before this Commission in Tallahassee, Florida, on July 10, 1940. No one appeared for the respondent.

2. The Commission has considered the testimony and finds the respondent guilty as charged in said citation.

Wherefore, the Railroad Commission of the State of Florida having found the respondent, Charles Devane, guilty as charged hereby fixes the penalties for said violations as follows:

(1) REVOCATION OF CERTIFICATE OF REGISTRATION
NO. 31.

2. PAYMENT TO THE TREASURER OF THE STATE OF
FLORIDA OF A FINE OF \$25.00.

It is further ORDERED that the payment of said fine of \$25.00 on or before July 22, 1940, will be accepted as full satisfaction of all penalties herein fixed, otherwise said penalties shall be and become effective as of July 22, 1940.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of July, 1940.

ORDER NO. 1315,

DOCKET NO. 205.

IN RE: CITATION AGAINST JAMES F. GATLIN OF JACKSONVILLE, FLORIDA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES AND MAKE CERTAIN MILEAGE REPORTS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Citation issued on June 21, 1940, the respondent, James F. Gatlin, was charged with failure to pay the Comptroller of the State of Florida mileage taxes for the months of December, 1939; January, February, March, April and May, 1940, and with failure to file Mileage Reports for said months with this Commission, as required by law. Said citation was heard before this Commission in Tallahassee, Florida, on July 10, 1940. No one appeared for the respondent.

2. The Commission has considered the testimony and finds the respondent guilty as charged in said citation.

Wherefore, the Railroad Commission of the State of Florida having found the respondent, James F. Gatlin, guilty as charged hereby fixes the penalties for said violations as follows:

(1) REVOCATION OF PERMIT NO. 141.

(2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF A FINE OF \$25.00.

It is further ORDERED that the payment of said fine of \$25.00 on or before July 22, 1940, will be accepted as full satisfaction of all penalties herein fixed, otherwise said penalties shall be and become effective as of July 22, 1940.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of July, 1940.

CITATION**ORDER NO. 1316,****DOCKET NO. 559.**

IN RE: CITATION OF JOHN R. CATON TRANSFER OF ANDALUSIA, ALABAMA, FOR VIOLATIONS OF THE LAW AND RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Citation Order No. 1308, dated June 21, 1940, was issued against John R. Caton Transfer of Andalusia, Alabama, charging said respondent with having failed to secure 1940 Railroad Commission tags as required by law. Hearing was held on said Citation at Tallahassee, Florida, on July 10, 1940. No one appeared for respondent.

2. The Commission has considered the testimony and finds the respondent guilty as charged in said citation.

Wherefore, the Railroad Commission of the State of Florida having found the respondent, John R. Caton Transfer, guilty as charged hereby fixes penalties for said violations as follows:

(1) REVOCATION OF CERTIFICATE OF REGISTRATION NO. 47.

(2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF A FINE OF \$25.00.

It is further ORDERED that the payment of said fine of \$25.00 on or before July 22d, 1940, will be accepted as full satisfaction of all penalties herein fixed, otherwise said penalties shall be and become effective as of July 22, 1940.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of July, 1940.

ORDER NO. 1317,**DOCKET NO. 100-67.**

IN RE: CERTIFICATE OF ARTHUR S. BURGESS OF OCALA, FLORIDA, AS A CONTRACT CARRIER TRANSPORTING PACKING HOUSE PRODUCTS UNDER CONTRACT FOR KINGAN & COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 622 dated October 6, 1933 a Certificate of Public Convenience and Necessity was granted to Arthur S. Burgess of Ocala,

Florida, to transport as a contract carrier packing house products of Kingan & Company from Ocala to certain points mentioned in said order.

2. It now appears that the contract between the said Arthur S. Burgess and Kingan & Company has expired and no renewal of the same has been filed with this Commission, and that under the law and the rules and regulations of this Commission the certificate authorized under said order should be canceled and revoked.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the authority of Arthur S. Burgess to transport packing house products as a contract carrier under contract with Kingan & Company between Ocala, Florida, Groveland, Clermont, Winter Garden, Plymouth, Zelwood and Apopka, Florida, be and the same is hereby REVOKED and said Order No. 622 is hereby CANCELED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 9th day of May, 1940.

ORDER NO. 1318,

DOCKET NO. 682.

IN RE: APPLICATION OF E. K. AVRIETT DOING BUSINESS AS SUWANNEE RIVER BUS LINE OF HOMERVILLE, GEORGIA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF PASSENGERS, LIGHT EXPRESS, NEWSPAPERS, BAGGAGE AND UNITED STATES MAIL FROM LAKE CITY, FLORIDA, TO McRAE, GEORGIA, OVER FLORIDA, HIGHWAY 82 AND GEORGIA HIGHWAYS NOS. 89 AND 31.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1209 dated November 14, 1939, E. K. Avriett, doing business as Suwannee River Bus Line was awarded a Certificate of Public Convenience and Necessity to operate in intrastate commerce transporting passengers, light express, newspapers, baggage and United States Mail between Lake City, Florida and McRae, Georgia, using Florida Highway No. 82.

2. It now appears that the said E. K. Avriett, doing business as Suwannee River Bus Line has failed to comply with the rules and regulations of the Commission and to qualify as a common carrier operating in intrastate commerce under said Order No. 1209.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the authority granted to E. K. Avriett, doing business as Suwannee River Bus Line of Homer-ville, Georgia, under Order No. 1209, be and the same is hereby CANCELED, and his right to operate in intrastate commerce over Florida Highway No. 82, is hereby REVOKED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 22nd day of July, 1940.

ORDER NO. 1319,

DOCKET NO. 100-143.

IN RE: APPLICATION OF UNION BUS COMPANY OF JACKSONVILLE, FLORIDA, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRANSPORT PASSENGERS AND LIGHT EXPRESS BETWEEN MACCLENNY, FLORIDA, AND WATERTOWN, FLORIDA, USING FLORIDA HIGHWAY NO. 49 TO LAKE BUTLER, FLORIDA, AND FROM THENCE USING FLORIDA HIGHWAY NO. 28 TO WATERTOWN, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 641 dated June 22, 1940, this matter came on for hearing before the Railroad Commission of the State of Florida on Tuesday, July 9, 1940, at its Hearing Room, Supreme Court Building, Tallahassee, Florida.

H. C. Roland appeared for the applicant.

No one appeared in opposition.

2. The applicant, Union Bus Company, now operates ten daily schedules between Macclenny, Florida, and Lake City, Florida. The present application is for authority to divert two of these schedules each way so as to operate between Macclenny and Watertown, Florida, using Florida Highway No. 49 as far as Lake Butler and Florida State Highway No. 29 between Lake Butler and Watertown. The purpose of this application is to provide service to the public living or residing on State Road No. 49 between Macclenny and Lake Butler and on State Highway No. 28 between Lake Butler and Watertown, Florida. This service will permit the citizens of Raiford, Ellerbee and Sapp to go into Jacksonville, spend the day, shop and return in the evening, and also if they desire to go to Tallahassee or Atlanta, Georgia, they have a direct route into Lake City, Florida, where they will make connection with busses for these points.

3. Part of this route between Lake Butler and Watertown is over the route of the Gator Motor Lines but the operator of Gator Motor Lines appeared in support of the application stating that Union Bus Company had agreed not to operate schedules within one hour of the present schedules operated by Gator Motor Lines.

4. From the lack of motor carrier service in these communities, and from the number of witnesses who appeared and testified in support of the application, the Commission finds that public convenience and necessity require the granting of the application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Union Bus Company for an extension of its Certificate of Public Convenience and Necessity to transport passengers and light express from Macclenny, Florida, to Lake Butler, using Florida Highway No. 49, and thence from Lake Butler to Watertown, using Florida Highway No. 28, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 22nd day of July, 1940.

ORDER NO. 1320,

DOCKET NO. 229.

IN RE: APPLICATION OF C. B. FRANKLIN, DOING BUSINESS AS FORT MYERS TRANSIT SERVICE OF FORT MYERS, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRANSPORT PASSENGERS AND LIGHT FREIGHT BETWEEN FORT MYERS AND FORT MYERS BEACH, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at Miami, Florida, on July 29, 1940, pursuant to Notice No. 646 dated July 11, 1940. The following appeared:

C. B. Franklin for the applicant.

2. The applicant seeks a Certificate as a Common Carrier to transport passengers and light freight between Fort Myers and Fort Myers Beach via Punta Rassa, a distance of approximately fifteen miles, using State Road No. 25 and County roads. At the present time the applicant is performing this service under temporary authority granted when a previous certificate holder serving this route ceased operating. Applicant at present holds a permit from this Commission authorizing the

transportation of household goods and store fixtures, and also operates a local hauling business in Fort Myers. It appears that public convenience and necessity require the granting of this application as there is no other public transportation service between these points.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of C. B. Franklin, doing business as Fort Myers Transit Service of Fort Myers, Florida, for a Certificate of Public Convenience and Necessity as a common carrier of persons and light freight between Fort Myers and Fort Myers Beach via Punta Rassa be and the same is hereby **GRANTED**.

It is further **ORDERED** that this service shall be performed at the rates as set forth in Schedules "F" and "G" attached to the application and upon operating schedules which shall be filed for approval within ten days from the date of this order.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 29th day of July, 1940.

ORDER NO. 1321,

DOCKET NO. 539.

**IN RE: CITATION AGAINST MACDOWALL TRANSPORT, INC., OF
MIAMI FLORIDA, FOR FAILURE TO PAY MILEAGE TAXES.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

Citation was issued on June 21, 1940, against the respondent on account of its failure to pay mileage taxes to the Comptroller of the State of Florida and its failure to make the mileage reports to the Railroad Commission that are required by law and the rules of this Commission. Hearing was held on said citation in Miami on July 30, 1940 and the respondent was represented by two of its officers; J. A. MacDowall and Norris McElya.

Respondent admitted the charges made and it was brought out at the hearing that mileage taxes were due for the months of December, 1939 and February through June of 1940. In addition, the respondent owes approximately \$500.00 for mileage taxes charged against its predecessor, J. A. MacDowall, an individual, which were assumed by the respondent when it was incorporated and took over the business of J. A. MacDowall during the fall of 1939. The total of all these mileage taxes due is around \$2,750.00 which does not include taxes for the month of July, 1940 which are now due and will be delinquent after August 10. The respondent gave no satisfactory excuse for its failure to pay

these mileage taxes and on account of the long period of the delinquency, the Commission is required, under the law, to revoke or suspend the operation until the taxes have been paid.

It is therefore CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that MacDowall Transport, Inc., is guilty as charged in said citation and that said respondent's Certificate of Registration No. 38 shall be suspended on August 10, 1940 unless satisfactory settlement with the Comptroller of the State of Florida has been made for all mileage taxes due the State by J. A. MacDowall and by MacDowall Transport, Inc., and that said suspension shall remain in effect and said respondent shall not operate as an auto transportation company after August 10, 1940 until such satisfactory settlement of mileage taxes has been made.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this first day of August, 1940.

COMMISSIONER CARTER DISSENTS:

It is my opinion that the penalty imposed upon the respondent by a majority of this Commission is too severe. The testimony conclusively shows, in my opinion, that should the penalty inflicted above be carried out that the respondent would be forced out of business because of its inability to raise some \$2,750.00 in less than ten days time. This will destroy a business that has been built up through many years of hard work, while a more lenient attitude by this Commission would enable the respondent to stay in business and at the same time pay the State of Florida the \$2,750.00 past due taxes which it is evident the State of Florida will lose if respondent is forced out of business. The respondent offered what I consider a fair basis for the settlement of the delinquent taxes; that is, it offered to keep up the current taxes during the coming months and pay at least \$200.00 a month or more on the delinquent taxes until they are fully paid.

There is ample precedent in the former actions of the Commission for the approval of such method of payment. In numerous citations involving delinquent taxes, this Commission has permitted such taxes to be paid in installments along with current taxes and it is my opinion that it is only fair and just that this respondent be given the same privilege.

The majority of the Commission found no extenuating circumstances that would justify a lenient attitude toward this respondent. In my opinion, however, the record discloses an abundance of unfortunate circumstances over which the respondent had no control which contributed to its tax delinquency, as well as to other financial difficulties. After the respondent obligated itself in the installment pur-

chase of much new and expensive equipment and other facilities necessary for the carrying on of its business, an extensive strike in the automobile industry held up respondent's business and caused serious losses; other states through which respondent operated passed laws or made regulations designed to discourage this type of hauling and respondent was forced to endure costly delays and engage in expensive litigation. One of the extenuating circumstances not endured by many others who have received more lenient treatment at the hands of this Commission is that due to the congested calendar of the Interstate Commerce Commission, that Commission has never issued the final Order granting to the respondent the franchise Certificate to which it is entitled under the Grandfather Clause. Not having this Certificate, it is almost impossible for the respondent to raise large sums of money quickly through the medium through which operating organizations of this kind have often obtained loans. Furthermore, one result of the action of the majority of the Commission at this time may be to furnish grounds which eventually will prevent the respondent from securing its Certificate from the Interstate Commerce Commission, thereby causing loss of all interstate rights, which, of course, would destroy respondent's entire business. I believe that the extenuating circumstances disclosed by this respondent are as persuasive or more so than others which have been accepted by this Commission in the past as sufficient.

Respondent is operating in a field where there is competition of identical type and it is my opinion that the enforcement of this Order will unnecessarily destroy a business where that result could be avoided by a wiser exercise of discretion by this Commission as the same has been done many times in the past.

In writing this dissenting opinion, I do not wish to convey the impression that I am committing myself personally or officially to favor or defend tax delinquency or this particular type of transportation. As a member of the Florida Railroad Commission, I have never voted to issue a Franchise to this type of transportation in intrastate operation.

Also, since the majority of such operations are now coming into the State by authority granted by the Interstate Commerce Commission, we should accord the customary leniency to these tax payers of Florida in keeping with that which has been accorded by various means to practically all other tax payers. For example, it is common knowledge that the Courts of this State have for several years in succession granted injunctions against the Comptroller prohibiting the collection of taxes assessed against some of the larger railroads operating in Florida and that these suits dragged on for years before final settlement was made at substantial discounts in many cases. Likewise, the workings of the notorious Murphy Act, passed in 1937 under the pretext of avoiding

confiscation of property and placing it back on the tax rolls where it can bear its share of the tax burden are familiar to everyone.

Since the imperative need of the exercise of human discretion in the enforcement of transportation laws is evidently one of the main factors causing the Legislature to create this Commission and since the only apparent reason for the Commission adopting rules granting hearings before suspending or cancelling franchises for non payment of taxes on or before the due date of taxes was for the purpose of giving due consideration to extenuating circumstances to justify a leniency to prevent an injustice that might occur under a rule that would automatically cancel or suspend franchises immediately in case of non payment on the final date fixed by statute for the payment of such taxes, I am of the opinion that this is a case in which the Commission could wisely exercise such human discretion that would best conserve the interest of the State as well as the tax payers involved.

ORDER NO. 1322,

DOCKET NO. 736.

**IN RE: APPLICATION OF MIAMI-OPA LOCKA BUS LINES, INC.,
OF MIAMI, FLORIDA FOR A CERTIFICATE TO OPERATE BE-
TWEEN MIAMI AND OPA LOCKA.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This application came on for formal hearing before the Railroad Commission of the State of Florida in the Dade County Court House, Miami, Florida on July 29, 1940, pursuant to Notice No. 646, dated July 11, 1940. The following appeared:

Robert C. Lane, Esq., 309 Huntington Building, Miami, Florida, Representing the Applicant.

S. S. Hoehl, Esq., Assistant City Attorney, Representing the City of Miami.

Applicant seeks a certificate as a common carrier of passengers and light express between Miami and the town of Opa Locka which is in Dade County approximately 12 miles Northwest of Miami. Service was begun between these points about November 1, 1939, apparently without knowledge that the operation was probably within the jurisdiction of this Commission. The application was filed May 82, 1940, and temporary authority was granted by Order No. 1303, dated May 31, 1940, to operate pending the hearing. Applicant has been going out of Miami on NW 7th Ave. and operating over three different routes through the intervening territory to Opa Locka. One of these routes goes through a portion of the town of Hialeah.

Many citizens of Opa Locka and residents of the intervening territory appeared and testified that there was great need for this service and that the service of the applicant was highly satisfactory. Representatives of the City of Miami protested the granting of any authority at the present time, pending completion of plans for a single unified transportation system in the county. There was nothing to show, however, that should the present application be denied, that there would be offered any other service into this area and no other application therefor has been filed.

The Commission finds that public convenience and necessity require the granting of this application and the same will be conditioned upon the applicant paying all mileage taxes due the State of Florida from the inception of its service.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of **MIAMI-OPA LOCKA BUS LINE, INC.**, of Miami, Florida for a Certificate of Public Convenience, and necessity as a common carrier of passengers and light express, between Miami and Opa Locka, Florida be and the same is hereby **GRANTED**.

It is further **ORDERED** that the applicant shall operate over the routes as set forth in its application, to wit:

beginning in down town Miami go West on NE first street to NW River Drive, thence NW along said Drive to NW 7th Ave., thence N. on NW 7th Ave., to 119th St., thence W to NW 27th Ave., thence N. into Opa Locka; leaving Miami via the same route and turning W off NW 7th Ave., at 95th St., thence to NW 27th Ave., thence N. on said Avenue into Opa Locka; alternative route leaving Miami on NW 7th Ave., to 95th street; thence W. on 95th street to Le Juene Road; thence N. on said road to 119 street; thence E. on said street to NW 27th Ave.; thence N. on said avenue into Opa Locka.

It is further **ORDERED** that within thirty (30) days the applicant shall pay to the Comptroller of the State of Florida all mileage taxes due since the beginning of its service and shall make report of said mileage to this Commission as required by law.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this first day of August, 1940.

ORDER NO. 1323,

DOCKET NO. 604.

IN RE: APPLICATION OF JOHN G. LANE OF JACKSONVILLE, FLORIDA, FOR EXTENSION OF HIS CONTRACT CARRIER CERTIFICATE TO INCLUDE TRANSPORTATION OF BAKERY PRODUCTS FROM JACKSONVILLE TO TAMPA AND ST. PETERSBURG.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This application came on for formal hearing before the Railroad Commission of the State of Florida at its hearing room in Tallahassee, Florida on July 25, 1940. The following appeared:

Mr. George A. Pierce, Attorney for Applicant; Mr. J. R. Hunter, for Railway Express Agency; Mr. W. T. Wolfe, for Flamingo Truck Lines, Inc.; Mr. Clifford T. Inglis, for St. Johns River Line Co.; Mr. McCarthy Crenshaw, for Central Truck Lines, Tamiami Trail Tours, and Flamingo Truck Lines; Mr. B. M. Brunson, for Great Southern Trucking Co.

Applicant holds Contract Carrier Certificate No. 215 which was issued by Order No. 1134 dated January 18, 1939, and extended by Order No. 1210, dated November 18, 1939, and which includes authority to haul bakery products, that is bread, cake, cake racks, empty containers and miscellaneous advertising matter, between Jacksonville, Daytona Beach, DeLand, Orlando, Lakeland, Leesburg and Ocala. These products are hauled under contract with the Columbia Baking Company d/b/a Seybold Baking Company and Ward Baking Company. This application seeks to extend this authority to include hauling the same products to the additional points of Tampa and St. Petersburg over State Highway No. 17 between Lakeland and Tampa and into St. Petersburg via Gandy Bridge.

Representatives of the Baking Companies testified as to the need for this service. Applicant proposes to charge a rate that is slightly in excess of that of the Railway Express Agency which is now hauling the bulk of this business from Jacksonville to Tampa and St. Petersburg. The proposed rate (\$1.10 per one hundred pounds net) is considerably higher than the Common Carrier Truck rate. It was shown that the expedited and specialized service performed by the applicant is needed and the Commission finds that public convenience and necessity require the granting of this application. In making this finding, the Commission has carefully considered the protests of the Railway Express Agency and the Flamingo Truck Lines and the effect that the granting of this application may have upon transportation facilities within the territory involved.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the application of John G. Lane of Jacksonville, Florida for extension of Contract Carrier Certificate No. 215 to include the transportation of bakery products as above described between Jacksonville and Tampa and St. Petersburg, under Contract with the Baking Companies named above be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this second day of August, 1940.

ORDER NO. 1324,

DOCKET NO. 533.

IN RE: APPLICATION OF TOM H. BLOWERS OF JACKSONVILLE, FLORIDA, FOR CONTRACT CARRIER CERTIFICATE TO HAUL PACKING HOUSE PRODUCTS OUT OF TAMPA FOR ARMOUR & COMPANY, CUDAHY PACKING COMPANY AND SWIFT & COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida in Tallahassee, Florida, on July 25, 1940. The following appeared:

For applicant—Claude Ogilvie, Jacksonville, Florida.

For protestants—Clifford T. Inglis and John A. Bliss, Jacksonville, Florida, for St. Johns River Line Company, John M. Allison and T. B. Smith for Central Truck Lines, Tamiami Trail Tours, Inc., and Hunt's Truck Line, McCarthy Crenshaw, Jacksonville, Florida, for Flamingo Truck Lines, Inc., B. F. Brunson, Jacksonville, Florida, for Great Southern Trucking Company and J. R. Hunter, for Railway Express Agency.

2. The applicant holds a Special permit from this Commission authorizing the transportation of what are commonly known as packing house products to various C. C. C. Camps in Florida for Armour & Company, Cudahy Packing Company and Swift & Company. This application seeks a certificate of Public Convenience and Necessity as a Private Contract Carrier to haul such products for these same companies over three separate routes out of Tampa Florida. In general, these routes are first—north out of Tampa through Brooksville to Inverness and return via Bushnell and Dade City; second—south out of Tampa to Fort Myers and return serving Bradenton, Sarasota, Punta

Gorda and certain intermediate and off-line points; third—east out of Tampa to Mulberry, Bartow, Lake Wales, Frostproof, Avon Park, Sebring, and return via Wauchula, Arcadia and Bradenton. The products desired to be hauled are described generally in the tariffs as "packing house products" and include the following: meats, cured, dried or smoked; fresh meats; butterine and margarine; lards (pure and substitute), oils and vegetable shortenings; poultry, dressed; eggs, butter, cheese; canned meat products; soap and washing compounds.

3. The testimony shows that these products are now being hauled out of Tampa to the points named in the private trucks of the three packers. Only about 10% of the tonnage (according to a witness for one of the packers) moves via the common carrier truck lines who are protesting this application. The evidence shows that they will continue to get this business. The applicant proposes to take over the regular delivery routes of the packers and render the service now being performed by the private trucks. It is intended to make one trip per week over the northbound route out of Tampa and two trips per week over each of the other two routes.

4. The service proposed by the applicant is better than that now offered by the common carrier lines in that trucks equipped with mechanical refrigeration units will be used. These will be divided into three separate compartments, one for each of the packers. Direct delivery to the customers will be made in equipment especially designed for this service, and handled to all points served out of Tampa by one carrier experienced in this type of hauling. The protestants offered to put on this kind of equipment but the evidence shows that they would not get the business if this application were denied. The packers would continue the present practice of using their own trucks, so the Commission does not feel justified in requiring the common carriers to provide service similar to that offered by applicant.

5. The Commission has carefully considered this application and the testimony offered both in support thereof and in opposition thereto and is of opinion that public convenience and necessity require its granting. Careful consideration has been given to existing transportation facilities in the territories sought to be served.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Tom H. Blowers of Jacksonville, Florida, be granted a Certificate of Public Convenience as a Private Contract Carrier to haul packing house products as above described for Armour & Company, Cudahy Packing Company and Swift & Company out of Tampa only over the following routes: North over State Road 5 to Dunnellon and return via State Road 22 to Bushnell and State Road 2 to Dade City, serving as off-line points Webster, Riverland, Trilby and Lacoochee, thence west out of Dade City to State

Road 5 at a point north of Denham, thence south into Tampa; also, south over either State Road 5 or 23 to Palmetto, thence over State Road 5 to Fort Myers and return serving as off-line points Bee Ridge, Englewood, Woodmere, Fruitville, Oneco; also, east over State Road 79 to Mulberry, Bartow and Lake Wales, thence south over State Road 8 to Sebring, thence back up to Avon Park and over State Road 32 to either Wauchula or Zolfo Springs, thence over State Road 2 to Arcadia and Nocatee, thence over State Roads 18 and 161 to Bradenton, thence north to Tampa over either State Road 5 or 23.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 16th day of October, 1940.

COMMISSIONER MATTHEWS DISSENTING:

I disagree to the entry of the foregoing order on the grounds:

(1) That it fails to give proper weight to the provision of the statute that the Commission shall give consideration to the effect the granting of such Certificate will have "upon transportation as a whole within such territory." The testimony shows that there is ample common carrier transportation service, both motor and rail, to meet the public convenience and necessity within the affected territory, and that to impose another and an unnecessary service, at lower rates, simply means to deprive the carriers already in service of business that is needed by them to preserve their operating revenues.

(2) The testimony does not show any inadequacy of service. In fact, it is rather clear that due to the multiplicity of transportation agencies now serving the territory, and the frequency of their time schedules, the common carriers can and do give better service to the shippers parties to this application than the infrequent service offered by the contracting carrier.

(3) The application appears to be predicated very largely on a desire to secure a rate under the tariff rates of the common carriers. The testimony shows that no request has been made to the carriers for a rate reduction, and that no complaint has been made to this Commission of the unreasonableness of the rates. The measure of rates affects carriers most vitally. When the schedule of rates proposed by an applicant for a Contract Carrier Certificate "Is such as to make the operation unfair to others engaged in transportation in the same territory" (STATE vs. LEE, 191 SO. 17) the application should be denied.

ORDER NO. 1325,

DOCKET NO. 685.

IN RE: APPLICATION OF S. BRYAN JENNINGS AND WM. J. PORTER d/b/a CAMP AND KEYSTONE LINES FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF PASSENGERS, OPERATING BETWEEN JACKSONVILLE AD OCALA OVER VARIOUS ROUTES HEREINAFTER MENTIONED.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1244, dated December 27, 1939, Camp and Keystone Lines were granted a Certificate of Public Convenience and Necessity to transport passengers between Jacksonville and Silver Springs serving Middleburg, Penny Farms, Key Stone Heights, Melrose, Johnson and Ft. McCoy over certain State Highways mentioned in said Order, one of which was State Highway No. 68 from Jacksonville through Middleburg to Keystone Heights.

2. This Company failed to complete its qualifications as an auto transportation company before this Commission, and by its petition filed with this Commission on July 15, 1940, asked that the requirement of operation be suspended and the Certificate extended until the spring of 1941 on the grounds that road No. 68 was not in proper condition for motor bus transportation. This petition was granted and the Certificate was extended until March 17, 1941 with the provision that service will be instituted before that date if road No. 68 was completed.

3. On August 7, 1940, representatives of Camp and Keystone Lines appeared before the Commission at the Mayflower Hotel in Jacksonville, Florida, and stated that it was now in position to begin operation over this route and in view of the fact that the headquarters of Camp Blanding, which camp it was the purpose to serve by this operation, were established at a point 3.2 miles west of the point of intersection of roads numbered 68 and 48, it asked the Commission for authority to operate over this portion of road 48 in order that it might give adequate service to the camp.

4. The Commission gave due consideration to this application of the Carrier and in view of the fact that it had been granted a Certificate to operate over State Highway No. 68 and that portion of State Highway No. 48 east of intersection of the two roads to Penny Farms and as it was the design of the Company to serve Camp Blanding, it was of opinion that the application of the Carrier to operate from the intersection of roads 68 and 48 west 3.2 miles to the gate of the headquarters of the Camp should be granted.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Order No. 1244, dated December 27, 1939, awarding a Certificate of Public Convenience and Necessity to S. Bryan Jennings and Wm. J. Porter, d/b/a Camp and Keystone Lines to operate as a Common Carrier, transporting passengers between Jacksonville and Silver Springs, serving Middleburg, Penny Farms, Keystone Heights, Melrose, Johnson and Ft. McCoy be and the same is hereby AMENDED to include an operation between the intersection of roads 68 and 48 west a distance of 3.2 miles to the gate of the headquarters of Camp Blanding and that a Certificate of Public Convenience be awarded to said Carrier when it shall have complied with the law and the rules and regulations of the Commission and has properly qualified before it.

DONE and ORDERED on the seventh day of August, 1940.

ORDER NO. 1326,

DOCKET NO. 734.

IN RE: APPLICATION OF EUGENE MACK WEAVER, BRISTOL, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER BY MOTOR VEHICLE, TRANSPORTING PASSENGERS AND FREIGHT FROM CHIPLEY, FLORIDA TO VERNON, FLORIDA, OVER STATE HIGHWAY NO. 163 AND FROM CHIPLEY, FLORIDA TO EBRO, FLORIDA, OVER STATE HIGHWAY NO. 39.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 645, dated July 8, 1940, this matter came on for hearing before the Railroad Commission of the State of Florida at its hearing room in the Supreme Court Building, Tallahassee, Florida on Thursday, July 25, 1940, at 10 o'clock A. M. Mr. Louie W. Weaver appeared for the applicant. No one appeared in opposition to the application.

2. Upon motion of the Applicant, his application was amended by striking out the word "freight" and substituted in lieu thereof, mail and light express so that his application as amended seeks the right to transport passengers, mail and light express.

3. The Applicant now has mail contract and transports the mail between Vernon and Chipley and Vernon and Ebro, using a five passenger, four door Chevrolet. This mail route has been operated for many years by the predecessor of the Applicant and it is the only way that passengers had of getting in and out of Vernon to Chipley and return, and the Applicant now seeks authority from the Commission to con-

tinue this practice of transporting passengers between these points and also to transport light express. The evidence shows that no other Common Carrier serves these points over this particular route. Under the schedules proposed, the Applicant would leave Vernon at 8:15 A. M. and arrive at Chipley at 9 A. M. and return, leaving Chipley at 10:15 A. M. and arrive Vernon at 11 A. M.; leaving Vernon at 12:15 A. M. arrive in Ebro at 1:30 P. M., then on the afternoon trip, leave Vernon at 4:15 P. M. arrive in Chipley at 5 P. M. and leave Chipley at 6:15 P. M. and return to Vernon at 7 P. M. It appears from the evidence that formerly this territory was served by Alabama and Western Railroad, carrying passengers, freight and express into Chipley, but that service has been abandoned and there is now no other service in this community. The application was approved by the Agent of the Railway Express Agency.

4. The Commission has considered the evidence in this case and finds that public Convenience and Necessity requires the granting of the application and that a Certificate of Public Convenience and Necessity should be awarded to the Applicant.

Wherefore, it is **CONSIDERED, ORDERED** and **ADJUDGED** by the Railroad Commission of the State of Florida that the application of Eugene Mack Weaver of Bristol, Florida, for a Certificate of Public Convenience and Necessity, authorizing the transportation by motor vehicle of passengers, mail and light express, between Chipley, Florida and Vernon, Florida, over Highway No. 163 and between Chipley and Ebro, Florida, over Highway No. 39 be and the same is hereby **GRANTED**.

DONE and **ORDERED** by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this second day of August, 1940.

ORDER NO. 1327,

DOCKET NO. 100-1.

IN RE: APPLICATION OF CENTRAL TRUCK LINES, INC., OF TAMPA, FLORIDA FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE IN INTRASTATE COMMERCE, DAILY BETWEEN LAKE CITY, FLORIDA AND GAINESVILLE, FLORIDA, OVER STATE ROAD NO. 2, AND BETWEEN HIGH SPRINGS, FLORIDA AND DUNNELLON, FLORIDA OVER STATE ROAD NO. 5 AND FOR AUTHORITY TO SERVE CERTAIN OFF LINE POINTS IN INTRASTATE COMMERCE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 644, dated July 8, 1940, this matter came on for formal hearing before the Railroad Commission of the State

of Florida at its hearing room in the Supreme Court Building, Tallahassee, Florida on Wednesday, July 24, 1940, at 2:30 P. M. The following appearances were entered:

John M. Allison, Stovall Professional Building, Tampa, Florida and T. B. Smith, Traffic Manager for Central Truck Lines.

C. J. Gunn, Gainesville, Florida for University City Transfer.

E. B. Rush, Supt. Atlantic Coast Line Railroad Company, for Atlantic Coast Line Railroad Company.

McCarthy Crenshaw, 1503 Barnett National Bank Building, Jacksonville and W. T. Wolfe, 2nd and Pearl Streets, Jacksonville, for Flamingo Truck Lines, Inc.

J. R. Hunter, Tallahassee, Florida for Railway Express Agency.

2. At the beginning of the hearing, upon motion of the counsel for Applicant, the application was amended to include Crystal River and Camp Blanding to be served as off line points. The Commission, from the bench, granted the Applicant and all other Common Carriers by motor vehicle, operating through this territory, authority to serve Camp Blanding as an off line point from Starke, Florida.

3. The Applicant, at the present time, operates daily between Atlanta, Georgia and St. Petersburg, Florida via Lake City, Brooksville and via Jacksonville, Gainesville, Ocala, Orlando, Leesburg, Lakeland, Plant City and intermediate points, and also is operating a daily service in both interstate and intrastate commerce between Tampa and Ocala, Jacksonville and Tampa, and Tampa and Orlando, serving intermediate points. The Applicant actually operates daily between Lake City, Florida and Gainesville, Florida, over State Road No. 2 and between High Springs, Florida and Dunnellon, Florida over State Road No. 5 and while being of the opinion that it has the unrestricted right to operate over both these routes, in both interstate and intrastate commerce, it has refrained from handling intrastate traffic points served by University City Transfer Company, except Gainesville. By this present application, it seeks the authority to operate in intrastate commerce between Lake City, Florida and Gainesville, over State Road No. 2 and between High Springs Florida and Dunnellon, Florida, over State Road No. 5. It also desires to extend its operation by serving in intrastate commerce as off line stations, the following points along its present routes, namely: Homosassa, Homosassa Springs, Red Level, Crystal River, Lecanto, Keystone Heights and Melrose. It has filed as exhibits to its application, schedules it would like to use over these particular routes.

4. It appears from the evidence and from the Commission's records that Central Truck Line was authorized to operate in interstate commerce from the Georgia State Line to Lake City, over Road No. 2 from Jasper via Live Oak, Lake City, over Road No. 50 and No. 1 and from Lake City, Gainesville via High Springs over Road No. 2 and also Central Truck Lines is authorized to operate over State Road No. 5 between High Springs and Dunnellon via Newberry, Archer, Williston and Juliette in interstate commerce. It further appears that while there might have been some question as to whether these routes were restricted to interstate commerce operations that the applicant itself has restricted it to interstate commerce but now it has received so many solicitations to serve points between High Springs and Dunnellon, over Road No. 5 and between Lake City and Gainesville, over State Road No. 2 that it asks this Commission to broaden its Certificate to authorize such an operation and also to serve between Archer and Gainesville. The main reason given for seeking this service is that when the equipment from Jacksonville to St. Petersburg comes through Gainesville it desires to continue over the new highway via Arrendondo to Archer and thence down Road No. 5 into Tampa and also it is asking to operate from Archer to Gainesville so that it could route its north-bound schedules through Archer instead of having to serve it on the interstate schedule or as an off line point.

5. The University City Transfer Company of Gainesville objected to the granting of this application on the ground that they served the territory between Gainesville and Archer and also between Archer and Williston. That it further has connections with the Central in both their Tampa, Orlando and Atlanta schedules so that it is able, through connections with the Central to serve all the points on its line and that by means of this connection, it has over night service to these points and also over night service out of Jacksonville over its own route as it operates between Jacksonville and Gainesville over Road No. 1 from Jacksonville to Baldwin and South over No. 13 to Gainesville and that it would be detrimental to it to authorize the applicant to furnish any service along Road No. 5 from Williston to Newberry and any of these other points now served by it.

6. The Commission has carefully considered this record and is of opinion that public convenience and necessity requires the granting of a portion of the application of Central Truck Lines but that that part is now served by other carriers should not be granted.

Wherefore, it is **CONSIDERED, ORDERED** and **ADJUDGED** by the Railroad Commission of the State of Florida that the Certificate of Public Convenience and Necessity of Central Truck Line, Inc., be and it is hereby extended to authorize intrastate service between Lake City and Gainesville, over State Road No. 2 with deliveries permitted

at High Springs and within a radius of five miles thereof and to authorize the service in intrastate commerce as off line stations or points the following: Homosassa, Homosassa Springs, Red Level, Crystal River, Lecanto, Keystone Heights, Melrose and Camp Blanding.

DONE and ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this second day of August, 1940.

CITATION

ORDER NO. 1328,

DOCKET NO. 100-53.

IN RE. CITATION AGAINST FIVE TRANSPORTATION COMPANY OF BRUNSWICK, GEORGIA, FOR FAILURE TO REPORT AND TO PAY MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW AND THE RULES AND REGULATIONS OF THE FLORIDA RAILROAD COMMISSION FOR THE MONTHS OF MAY AND JUNE, 1940.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

On August 1, 1940, Citation was issued against Five Transportation Company of Brunswick, Georgia, for failure to pay its mileage taxes and file its mileage tax reports for the months of May and June, 1940, within the time required by law and the rules and regulations of this Commission. This citation was served on the Respondent on August 3, 1940. Hearing was held thereon on August 13, 1940, as required by the citation. No one appeared for the respondent.

From the evidence introduced it appears that the Respondent had failed to pay said mileage taxes and make said reports within the time required, but did pay the same after the citation was issued.

It is therefore **CONSIDERED, ORDERED** and **ADJUDGED** by the Railroad Commission of the State of Florida that Five Transportation Company of Brunswick, Georgia, is guilty as charged in said citation of having failed to pay its mileage taxes and to make mileage reports within the time required by law and the rules and regulations of this Commission and has incurred penalties which penalties are fixed as follows:

1. Revocation of Certificate of Public Convenience and Necessity No. 15.

2. Payment to the Treasurer of the State of Florida of the sum of \$25.00 as a fine.

It is further Ordered that this Order shall take effect on August 30, 1940, and that payment of said fine of \$25.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced as of said date.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, this fourteenth day of August, 1940.

CITATION

ORDER NO. 1329,

DOCKET NO. 732.

IN RE: CITATION AGAINST ALABAMA HIGHWAY EXPRESS OF BIRMINGHAM, ALABAMA, FOR FAILURE TO REPORT AND TO PAY MILEAGE TAXES WITHIN THE TIME REQUIRED BY THE LAW AND THE RULES AND REGULATIONS OF THIS COMMISSION FOR THE MONTHS OF JANUARY, FEBRUARY, MARCH, APRIL, MAY AND JUNE OF 1940.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

Alabama Highway Express of Birmingham, Alabama, was cited on August 1, 1940, for failure to pay its mileage taxes and file its mileage tax reports for the months of January, February, March, April, May and June of 1940, within the time required by law and the rules and regulations of this Commission. Citation was served on August 5, 1940, and hearing was held on the citation on August 13, 1940. No one appeared in person to represent the Respondent but original receipt, issued by the Comptroller of the State of Florida, showing the payment of the mileage taxes on August 7, 1940, and testimony was received to the effect that this payment was made and the mileage tax reports were made on August 7, 1940, after the citation had been issued and served upon Respondent.

The evidence further shows that this Respondent has not heretofore made its reports and paid its mileage taxes promptly although it agreed to do so in the future.

It is therefore CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that Alabama Highway Express of Birmingham, Alabama, is guilty as charged in the citation of having failed to pay its mileage taxes and to make mileage reports within the time required by law and the rules and regulations of this Commission and has incurred penalties which penalties are fixed as follows:

1. Revocation of Certificate of Registration No. 77.

2. Payment to the Treasurer of the State of Florida \$25.00 as a fine.

It is further Ordered that this Order shall take effect on August 30, 1940, and that the payment of said fine of \$25.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced as of said date.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, on the fourteenth day of August, 1940.

CITATION

ORDER NO. 1330,

DOCKET NO. 329.

IN RE: CITATION AGAINST PAN AMERICAN BUS LINES OF CHARLOTTE, NORTH CAROLINA, FOR FAILURE TO REPORT AND PAY MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW AND THE RULES AND REGULATIONS OF THE FLORIDA RAILROAD COMMISSION FOR THE MONTHS OF DECEMBER, 1939, JANUARY, FEBRUARY, MARCH, APRIL, MAY AND JUNE OF 1940.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

Citation was issued against Pan American Bus Lines of Charlotte, North Carolina, on August 1, 1940, for failure to pay its mileage taxes and file its mileage tax reports for the months of December, 1939, January, February, March, April, May and June of 1940, within the time required by law and the rules and regulations of this Commission.

Pursuant to Notice included in said citation, the matter came on for hearing before the Railroad Commission at its hearing room in the Supreme Court Building, Tallahassee, Florida, on August 13, 1940. Caldwell and Meginniss represented the Respondent.

It appeared from the statement of council that the Respondent had paid its mileage taxes and made its mileage reports for the period mentioned in the citation on this day, August 13, 1940. Further, testimony indicated that this Company had not been prompt in the past in filing its mileage tax reports nor in paying its mileage taxes. It is impossible for the Comptroller of the State of Florida to check the mileage made and the amount of mileage tax due by a certificated carrier until the mileage tax reports have been made. And, it is the opinion of the Commission that certificated carriers should make their mileage tax reports

promptly each month as required by law and to pay the amount of the taxes shown in such report or such amounts as the Comptroller of the State of Florida shall find to be due by said Carrier.

It is therefore **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Pan American Bus Lines of Charlotte, North Carolina is guilty as charged in said citation and did fail to make its mileage tax reports and to pay its mileage taxes within the time required by law and the rules and regulations of this Commission, and that it has incurred penalties for such failure which penalties are fixed as follows:

1. Revocation of Certificate of Registration Number 9.

2. Payment to the Treasurer of the State of Florida the sum of \$100.00 as a fine.

It is further **ORDERED** that this Order shall take effect on August 16, 1940, and that the payment of said fine of \$100.00 on or before said August 16, 1940, will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, this 14th day of August, 1940.

ORDER NO. 1331,

DOCKET NO. 329.

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN TRAILWAYS, INC., A VIRGINIA CORPORATION, FOR TEMPORARY AUTHORITY TO OPERATE, UNDER LEASE, THE INTERSTATE RIGHTS AND FRANCHISES OF PAN AMERICAN BUS LINES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter comes on for consideration by the Commission upon the application of Pan American Trailways, Inc., a Virginia Corporation, for approval of certain lease agreement with Pan American Bus Lines, dated July 11, 1940, by which Pan American Trailways, Inc., has leased the operating rights and other properties of Pan American Bus Lines, and it appearing that on July 25, 1940, Pan American Trailways, Inc., filed its application with the Interstate Commerce Commission seeking authority to lease the operating rights and properties of Pan American Bus Lines and also filed on August 2, 1940, an application with the Interstate Commerce Commission for approval of the temporary operation of said properties; and it further appears that by Order, dated August 10,

1940, the Interstate Commerce Commission granted temporary authority to Pan American Trailways, Inc., to lease the said operating rights and properties of Pan American Bus Lines for a period not exceeding 90 days from the said August 10, 1940, and provided in said Order that it should become effective on August 17, 1940, upon which date operation under said lease must commence; and it further appearing that Pan American Trailways, Inc., has agreed to comply with all the police regulations of the State of Florida and to pay all mileage taxes and other indebtedness of the Pan American Bus Lines due at this time by it to the State of Florida.

It is, therefore, CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the application of Pan American Trailways, Inc., for temporary authority to operate under lease interstate rights of Pan American Bus Lines, within the State of Florida for a period of 90 days subject to a renewal for a further period of 90 days, upon proper application, be and the same is hereby APPROVED on condition that all of the mileage taxes now due and payable by Pan American Bus Lines to the State of Florida and the fine of \$100.00 heretofore imposed upon the said Pan American Bus Lines for failure to make prompt reports and pay its mileage taxes shall be paid on or before the effective date of this Order.

It is further ORDERED that this Order shall be and become effective on August 16, 1940, and if the conditions of this Order are complied with, a temporary Certificate of Registration shall be issued to Pan American Trailways, Inc.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its office in the City of Tallahassee, this fourteenth day of August, 1940.

ORDER NO. 1332,

DOCKET NO. 737.

IN RE: JOINT APPLICATION OF TREK, INC., (FLAMINGO TRUCK LINES, INC.) L. & L. FREIGHT LINES, INC., W. L. AKINS TRANSPORTATION COMPANY, INC., AND STAR TRUCK LINES, INC., FOR APPROVAL OF THAT CERTAIN "AGREEMENT OF MERGER" MADE AND ENTERED INTO ON MAY 27TH, A. D. 1940, BY AND BETWEEN THESE SEVERAL COMPANIES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1312, dated June 20, 1940, this Commission approved the agreement of merger entered into by and between Flamingo Truck Lines, Inc. (successor to Trek, Inc.), L. & L. Freight Lines, Inc., W. L.

Akins Transportation Company, Inc., and Star Truck Line, Inc., as described in the joint application filed by said companies and authorized Flamingo Truck Lines, Inc., to operate as a Common Carrier of freight by motor vehicle over the routes and in accordance with the schedules theretofore operated by L. & L. Freight Lines, Inc., W. L. Akins Transportation Company and Star Truck Lines, Inc.

2. On July 23, 1940, Central Truck Lines, Inc., and Tamiami Trail Tours, Inc., filed their several motions for re-hearing in this matter on the general grounds that the practical effect and operation of Order No. 1312 seemed to be the granting of a new service between Jacksonville and Tampa and between Tampa and East Coast points by the combination of all Certificates and upon other grounds set out in said motions.

3. The Commission has carefully considered these motions for re-hearing and in view of the fact that its Order No. 1312 required Flamingo Truck Lines, Inc., to continue operation over the same routes and in accordance with the same schedules formerly operated by the merged companies, it is of opinion that said motion should be DENIED.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the motions for re-hearing filed herein by Central Truck Lines, Inc., and Tamiami Trail Tours, Inc., on July 23, 1940, be and the same are hereby DENIED.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, this sixteenth day of August, 1940.

ORDER NO. 1333,

DOCKET NO. 100-13.

IN RE: APPLICATION OF TAMIAMI TRAIL TOURS, INC., OF TAMPA, FLORIDA, FOR EXTENSION OF ITS CERTIFICATE TO OPERATE IN COMMON CARRIAGE OF PASSENGERS, BAGGAGE AND LIGHT EXPRESS BETWEEN TAMPA, FLORIDA AND MACDILL FIELD, UNITED STATES ARMY AIR BASE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

APPLICATION TO AMEND ORDER NO. 1250 TO INCLUDE
OPERATION TO DREW FIELD

1. By Order No. 1250, dated January 18, 1940, after a hearing, this Commission approved the extension of Certificate of Public Convenience and Necessity No. 28 of Tamiami Trail Tours, Inc., to include the transportation of passengers, baggage, light express between Tampa, Florida and MacDill Field, the United States Army Air Base. Tamiami Trail

Tours, Inc., has now filed its petition, dated August 14, 1940, alleging that Drew Field is an auxiliary air base to MacDill Field and is located approximately two and one-half miles west of the west boundary line of the City of Tampa and that at the present time said Field is occupied by approximately three hundred officers and men of the United States Army and that the personnel of such Field will increase to approximately one thousand men by December 1, 1940, and that said Drew Field is without means of transportation, either rail or motor and that in addition, in the immediate future, a National Youth Administration Camp will be located off of Columbus Drive and between Lincoln Avenue, the west boundary line of the City of Tampa and Drew Field on the route sought to be served by petitioner and prays that Order No. 1250 be amended to permit it to serve Drew Field.

2. The Commission considered the petition and on August 14, 1940, granted temporary authority to Tamiami Trail Tours, Inc., to serve Drew Field.

3. Upon further consideration of the petition, the Commission is of opinion that the relief prayed for therein should be GRANTED.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida, that the mandatory part of said Order No. 1250, dated January 18, 1940, shall be amended so as to read as follows:

"Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the application of Tamiami Trail Tours, Inc., for the extension of its Certificate of Public Convenience and Necessity No. 28 to include the transportation of passengers and light express between Tampa, Florida, and MacDill Field, United States Army Air Base, and between Tampa and Drew Field, an auxiliary base to MacDill Field, now used and occupied by the United States Army and approximately two and one-half miles west of Lincoln Avenue, the west boundary of the City of Tampa over the following routes: North on Howard from Cass to Columbus Drive, thence West on Columbus Drive (across Lincoln Avenue, the West boundary line of the City of Tampa) to West Shore Boulevard, thence North along West Shore Boulevard to Tampa Bay Boulevard, the entrance to Drew Field; with an alternative route West on Memorial Highway from Howard Avenue to West Shore Boulevard, thence North on West Shore Boulevard to Tampa Bay Boulevard, the entrance to Drew Field, be and the same is hereby GRANTED."

It is further Ordered that the rates and schedules for the above operation shall be filed for approval within a reasonable time, not to exceed three months; that the operation shall be conducted over the routes de-

scribed above until the further Order of this Commission, and that the applicant shall serve Port Tampa City until the highway to the points has been completed.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, on the sixteenth day of August, 1940.

ORDER NO. 1334,

DOCKET NO. 572.

IN RE: APPLICATION OF GATOR MOTOR LINES, INC., OF ST. AUGUSTINE, FLORIDA, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING IT TO TRANSPORT UNITED STATES MAIL AND TO CHANGE ITS ROUTE AND ITS SERVICE BETWEEN GAINESVILLE AND CEDAR KEYS, FLORIDA, TO COVER STATE ROAD NO. 13, GAINESVILLE TO ARCHER, STATE ROAD NO. 5, ARCHER TO WILLISTON, STATE ROAD NO. 19, WILLISTON TO BRONSON AND STATE ROAD NO. 13, BRONSON TO CEDAR KEYS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 651, dated July 3, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its hearing room in the Supreme Court Building, Tallahassee, Florida, on Thursday, August 15, 1940, at 10 o'clock A. M. Hazel Crutcher Bell appeared for Gator Motor Lines, Inc. No one appeared in opposition.

2. From the application and evidence introduced in this cause, it appears that Gator Motor Lines, Inc. has now been awarded a contract for the carriage of United States Mail between Gainesville and Cedar Keys which contract imposes on it the necessity of transporting such mail to and from Williston, Florida. For these and other reasons set out in the testimony, it now desires to amend its Certificate of Public Convenience and Necessity so that it may transport United States Mail and to change its route between Gainesville and Cedar Keys, Gainesville and Archer, Archer and Williston, Williston and Bronson, Bronson and Cedar Keys, so that it may use State Roads No. 5 and 19 between Archer and Bronson via Williston in lieu of State Road No. 13 which is now being used.

It further appears from the evidence that Florida Motor Lines, Corporation, and University City Transfer have indicated to the Commission that they have no objection to the granting of this application.

3. The Commission has carefully considered this application and finds that Public Convenience and Necessity require said service.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the Certificate of Public Convenience and Necessity now owned and held by Gator Motor Lines, Inc., be and it is hereby AMENDED to include the authority to transport United States Mail.

It is further Ordered that Gator Motor Lines, Inc., be and it is hereby authorized to operate over State Road No. 5 from Archer to Williston and over State Road No. 19 from Williston to Bronson in addition to its present operation over Road No. 13 between Gainesville and Cedar Keys.

It is further Ordered that Gator Motor Lines, Inc., be and it is hereby authorized to amend its schedules over these routes so as to leave Gainesville at 6:30 A. M. and 3:05 P. M. with departures from Cedar Keys for Gainesville at 9 A. M. and 5 P. M., arriving at Gainesville at 11 A. M. and 7:30 P. M. in order that it may continue to operate two schedules each way per day with its one bus.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, the sixteenth day of August, 1940.

ORDER NO. 1335,

DOCKET NO. 745.

IN RE: APPLICATION OF M. O. ROBERTS OF DELAND, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A LIMITED COMMON CARRIER TRANSPORTING USED UNCRATED HOUSEHOLD GOODS AND UNCRATED OFFICE OR STORE FURNITURE AND FIXTURES AND MERCHANDISE COMPRISING THE STOCK OF GOODS OF THE STORE, THE FURNITURE AND FIXTURES OF WHICH ARE TO BE MOVED, BETWEEN ALL POINTS IN THE STATE OF FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 651, dated July 31, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its hearing room in the Supreme Court Building in the City of Tallahassee, Florida, on Thursday, August 15, 1940. W. Amory Underhill, attorney, DeLand, Florida, appeared for the applicant. Lewis Ossinsky of Horne and Ossinsky, 411 Main Street, Daytona Beach, appeared for Ridgeway Transfer Company, Protestants.

2. M. O. Roberts, the applicant, has been engaged in the local transfer business in DeLand for many years. He has also operated under contract with Atlantic Coast Line Railroad Company, picking up and de-

livering freight within the City of DeLand and adjacent territory. He now seeks a Limited Common Carrier Certificate to transport uncrated household goods and store fixtures and stock in accordance with Rule 7 of the Rules and Regulations of this Commission. The testimony shows that there is no certificated carrier engaged in a similar operation within the City of DeLand although Ridgeway Transfer Company, who is authorized to perform similar service within the State of Florida, is located in Daytona Beach, about twenty-two miles from DeLand, and contends that it is capable of performing all of the service of this nature needed by the City of DeLand. Ridgeway Transfer Company has been in this business for many years and owns an express service, van trucks and also is qualified as an interstate carrier and will probably continue to secure the movements of this nature interstate into DeLand. The applicant, however, from the testimony, seems to desire a Certificate in order to perform local service in and out of DeLand and the testimony indicates that a carrier of this kind is needed for this service.

3. The Commission has carefully considered the evidence in this case and is of the opinion that public convenience and necessity require the granting of the application.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the application of M. O. Roberts of DeLand, Florida, for a Certificate of Public Convenience and Necessity as a Limited Common Carrier, transporting uncrated household goods and uncrated office or store furniture and fixtures and merchandise, comprising the stock of goods of the store, the furniture and fixtures of which are to be moved between all points in the State of Florida, be and the same is hereby APPROVED.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, on the sixteenth day of August, 1940.

ORDER NO. 1336. Modification of Order No. 1321.

DOCKET NO. 539.

**IN RE: CITATION AGAINST MACDOWALL TRANSPORT, INC., OF
MIAMI, FLORIDA, FOR FAILURE TO PAY MILEAGE TAXES.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1321, dated August 1, 1940, Respondent, Macdowall Transport, Inc., of Miami, Florida, was found guilty of failure to make mileage tax reports and pay mileage taxes due to the State of Florida and was ordered to make satisfactory settlement for such mileage taxes on

or before August 10, 1940, or its Certificate of Registration No. 38 would stand suspended on that said date.

2. This matter coming on further before the Commission and the Respondent having made representation to the Commission that it was unable to pay these mileage taxes in full but would make payment at the rate of two hundred dollars a month, beginning with the month of October, 1940, and for each month until the fifteenth day of March, 1941, when the total balance due at that time would be paid in full. And, in addition would make regular reports and keep the current mileage taxes paid up promptly. And, the Commission having further considered this matter and it being the unanimous opinion of the Commission that the Order should be modified in accordance with the representation of the Respondent:

It is therefore **CONSIDERED, ORDERED and ADJUDGED** by the Railroad Commission of the State of Florida that the effective date of Order No. 1321 be and it is hereby **EXTENDED** to March 15, 1941, conditioned upon the Respondent making payment to the Comptroller of the State of Florida of two hundred dollars per month on its delinquent mileage taxes on the fifteenth day of October, November, December, 1940 and January, and February, 1941 and full balance of delinquent taxes then remaining unpaid on March 15, 1941 and promptly paying current monthly mileage taxes when and as the same become due.

It is further **ORDERED** that failure on the part of the Respondent to make prompt monthly payments of its mileage taxes as herein set forth shall cause the judgment of the Commission, as set out in Order No. 1321 to be and become immediately effective and Respondent's Certificate of Registration No. 38 shall stand suspended as of the date of failure to make said payment.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee on the nineteenth day of August, 1940.

ORDER NO. 1337,

DOCKET NO. 205.

IN RE: CITATION AGAINST JAMES F. GATLIN OF JACKSONVILLE, FLORIDA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES AND MAKE MILEAGE TAX REPORTS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1315, dated July 10, 1940, James F. Gatlin was found guilty of failure to make mileage tax reports and to pay his mile-

age taxes for the months of December, 1939, January, February, March, April and May, 1940, and Permit No. 141 was revoked and a fine of twenty-five dollars was imposed upon said James F. Gatlin. It was further ordered that the payment of the said fine of twenty-five dollars on or before July 22, 1940, would be accepted as full satisfaction for all penalties fixed.

2. It now appears that the said James F. Gatlin has paid the fine imposed by Order No. 1315.

Wherefore, it is **CONSIDERED, ORDERED** and **ADJUDGED** by the Railroad Commission of the State of Florida, that the payment of said fine be and it is hereby accepted as full satisfaction of all penalties imposed in said Order No. 1315 and said Order No. 1315 is hereby cancelled and the citation proceeding be and the same is hereby dismissed.

DONE and **ORDERED** by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, on the seventeenth day of August, 1940.

ORDER NO. 1338,

DOCKET NO. 446.

IN RE: APPLICATION OF JERRY DIEFENDERFER D/B/A FT. MYERS TRANSIT COMPANY FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER, TRANSPORTING PASSENGERS AND LIGHT EXPRESS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1009, dated April 22, 1937, a Certificate of Public Convenience and Necessity was issued to Jerry Diefenderfer, d/b/a Ft. Myers Transit Company, to operate as a Common Carrier, transporting passengers and light express between Ft. Myers, Punta Rassa and Ft. Myers Beach, over State Highway No. 25.

2. Upon compliance with the Rules and Regulations of the Commission, Certificate of Public Convenience and Necessity No. 202, effective as of June 28, 1937, was issued to the applicant.

3. It now appears that the said Jerry Diefenderfer operating as Ft. Myers Transit Company, has abandoned and ceased to operate under said Certificate and the Commission has Ordered the same revoked.

Wherefore, it is **CONSIDERED, ORDERED** and **ADJUDGED** by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 202, heretofore granted to Jerry Diefenderfer d/b/a Ft. Myers Transit Company of Ft. Myers, Florida, be and

the same is hereby REVOKED and CANCELLED for failure of the holder of such Certificate to operate in accordance therewith.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, on the sixteenth day of August, 1940.

ORDER NO. 1339,

DOCKET NO. 1086.

IN RE: APPLICATION OF ARMSTRONG AND SONS STORAGE COMPANY OF DAYTONA BEACH, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO HAUL HOUSEHOLD GOODS ONLY FROM DAYTONA BEACH, FLORIDA, TO ALL POINTS IN THE STATE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 334, dated June 16, 1931, Certificate of Public Convenience and Necessity No. 157 was issued to Armstrong and Sons Storage Company, Daytona Beach, Florida, authorizing it to transport uncrated household goods exclusively between Daytona Beach and all points in the State of Florida.

2. It now appears that Armstrong and Sons Storage Company has abandoned its operation under said Certificate and is not now exercising any authority thereunder.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 157, heretofore issued to Armstrong and Sons Storage Company of Daytona Beach, Florida, authorizing it to transport uncrated household goods, be and the same is hereby CANCELLED and the authority to operate thereunder is hereby REVOKED.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its offices in the City of Tallahassee, Florida, on the fifteenth day of August, 1940.

CITATION

ORDER NO. 1340,

DOCKET NO. 440.

IN RE: COMPLAINT AGAINST HOWARD HALL COMPANY, INC., OF BIRMINGHAM, ALABAMA, FOR VIOLATIONS OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

WHEREAS, complaint has been made that Howard Hall Company, Inc., of Birmingham, Alabama, has violated the terms of its Certificate of Registration No. 18, under which it operates in the State of Florida.

Therefore you, HOWARD HALL COMPANY, INC., TAKE NOTICE that the Railroad Commission of the State of Florida charges you with violations of the law and the rules and regulations of said Commission in the following particulars to-wit:

A wilful violation of the law and the rules of this Commission in that you did on or about July 21, 1940 operate four trucks on U. S. Highway No. 90 in Jackson County, Florida, in the transportation for compensation of certain commodities known as "Ramie Roots" without said vehicles having Florida For Hire License Tags, Railroad Commission Tags, or the name and Certificate number of the owner of said vehicles, nor did the drivers of said vehicles carry a manifest of the products being transported as required by Rules 31, 33, and 57 of the rules of this Commission governing auto transportation companies.

And further TAKE NOTICE that on Tuesday, SEPTEMBER 10, 1940, at 10 o'clock A. M. the Railroad Commission of the State of Florida will be in session at its Hearing Room, Supreme Court Building, Tallahassee, Florida, to hear and consider whether you, Howard Hall Company, Inc., are guilty as charged, and if found guilty to then and there consider what penalty should be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charges.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 28th day of August, 1940.

CITATION

ORDER NO. 1341,

DOCKET NO. 188.

IN RE: COMPLAINT AGAINST SUDDATH MOVING & STORAGE COMPANY OF TAMPA, FLORIDA, FOR VIOLATIONS OF THE TARIFF GOVERNING THE TRANSPORTATION OF HOUSEHOLD GOODS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

WHEREAS, it has been reported to this Commission that Suddath Moving & Storage Company of Tampa, Florida, has violated the law and the rules and regulations of this Commission in the particulars hereinafter set forth:

Therefore you, Suddath Moving & Storage Company, TAKE NOTICE that the Railroad Commission of the State of Florida charges you as follows:

- (1) A violation of Sections 8 and 20 of Chapter 14,764, Laws of Florida 1931, and of Rule 19 of this Commission in that you did on or about June 22d, 1940, transport certain office furniture and fixtures from Tampa, Florida, to Miami, Florida, at a rate less than that prescribed by this Commission in Household Goods Tariff No. 1.
- (2) A violation of said law and rule in that you did on or about August 6, 1940, transport from Tampa to Miami, Florida, certain household goods at a rate less than that prescribed by Florida Household Goods Tariff No. 1.

And further TAKE NOTICE that on Wednesday, OCTOBER 2, 1940, at 10 o'clock A. M. the Railroad Commission of the State of Florida will be in session on the Sixth Floor of the DADE COUNTY COURT HOUSE, MIAMI, FLORIDA, to hear, consider and determine whether or not you are guilty of the charges aforesaid, and if found guilty to then and there consider what penalty shall be imposed against you under the law.

And at said time and place you will have an opportunity to be fully heard on said charges.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 28th day of August, 1940.

ORDER NO. 1342,

DOCKET NO. 648.

IN RE: APPLICATION OF LEONARD BROTHERS TRANSFER & STORAGE COMPANY OF MIAMI, FLORIDA, FOR AN EXTENSION OF ITS AUTHORITY TO HAUL RACE HORSES AND FURNITURE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida in Miami, Florida, on July 29, 1940, pursuant to Notice No. 646. The following appeared:

Leo P. Kitchen & Dan R. Schwartz of Jacksonville, Florida, for the applicant; W. B. Spann, Jr., of Atlanta, Georgia, for Railway Express Agency; Wm. J. Pruitt of Miami for P. T. Malone, operating as Malone Horse & Riding Academy.

2. This application, as originally filed, sought authority to transport race horses, polo ponies and riding academy horses between all points in the State of Florida. Applicant now has authority to haul race horses only between race tracks and rail stations in Dade County, Florida, as set forth in Order No. 1181, dated July 26, 1939. The application was amended to include also the transportation of crated and uncrated new furniture and fixtures including store furnishing and fixtures to points within a radius of two hundred miles of Miami, such transportation to be limited to the delivery of merchandise sold by retail stores in Miami.

3. At the hearing this application was consolidated with one filed by John E. Withers Transfer & Storage Company of Miami, Florida, seeking the same authority and the two applications were heard jointly. A separate order, however, will be drawn on the Wither's application. Both of these applications were opposed by Railway Express Agency, Inc., in so far as they sought to extend the authority to transport horses.

4. The testimony of the two applicants, Leonard Brothers and Withers Transfer & Storage Company, showed that there was need for extending motor carrier authority to haul race horses, polo ponies and riding academy horses in the lower East Coast area, including Dade, Broward & Palm Beach Counties. Applicants attempted to show a need for this service between all points in the State of Florida but their testimony was not sufficient for this purpose.

5. Under the part of these applications concerning the transportation of furniture the two applicants requested in effect authority to perform a delivery service for retail stores in Miami in the business of

selling furniture and store fixtures. The service was desired not only to haul the merchandise sold on the floor of the stores but also to assist in the installation of furniture and fixtures in the homes and stores of the purchasers. Representatives of several of the larger department stores in Miami testified as to the need for a specialized service such as that offered by the applicants. The authority granted, however, will be limited to transportation from stores in Miami to points in Dade and Broward Counties only as no need was shown for such service beyond these two counties.

6. The Commission finds that public convenience and necessity require the granting of this application to the extent set forth above, and further finds that it should be denied in all other respects.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 169 held by Leonard Brothers Transfer & Storage Company of Miami, Florida, be extended to include:

- (a) The transportation of race horses, polo ponies and riding academy horses as a common carrier between all points in Dade, Broward and Palm Beach Counties, on irregular routes and schedules.
- (b) The transportation of crated and uncrated new furniture and fixtures, including crated and uncrated store furnishings and fixtures as a common carrier from retail stores in Miami, Florida, only direct to the homes or stores of customers of such retail stores in Dade and Broward Counties only, on irregular routes and schedules.

It is further **ORDERED** that the applicant shall file within thirty days from the date hereof its tariff showing the rates and charges for the services herein authorized.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 14th day of August, 1940.

ORDER NO. 1343,

DOCKET NO. 100-111.

IN RE: APPLICATION OF JOHN E. WITHERS TRANSFER & STORAGE COMPANY, INC., OF MIAMI, FLORIDA, FOR AN EXTENSION OF ITS AUTHORITY TO HAUL RACE HORSES AND FURNITURE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida in Miami, Florida, on July 29, 1940, pursuant to Notice No. 646. The following appeared:

Leo P. Kitchen and Dan R. Schwartz of Jacksonville, Florida, for the applicant; W. B. Spann, Jr., of Atlanta, Georgia, for Railway Express Agency; Wm. J. Pruitt of Miami for P. T. Malone, operating as Malone Horse & Riding Academy.

2. This application was heard jointly with that of Leonard Brothers Transfer & Storage Company and reference is hereby made to Order No. 1342, dated this date, extending Leonard Brothers Transfer & Storage Company authority to haul race horses and furniture. The Commission hereby makes the same findings in this application as were made in the order of Leonard Brothers' application.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 118 held by John E. Withers Transfer & Storage Company, Inc., of Miami, Florida, be extended to include:

- (a) The transportation of race horses, polo ponies, and riding academy horses as a common carrier between all points in Dade, Broward and Palm Beach Counties, on irregular routes and schedules.
- (b) The transportation of crated and uncrated new furniture and fixtures, including crated and uncrated store furnishings and fixtures as a common carrier from retail stores in Miami, Florida, only direct to the homes or stores of customers of such retail stores in Dade and Broward Counties only, on irregular routes and schedules.

It is further ORDERED that the applicant shall file within thirty days from the date hereof its tariff showing the rates and charges for the services herein authorized.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 14th day of August, 1940.

CITATION**ORDER NO. 1344,****DOCKET NO. 329.**

IN RE: CITATION AGAINST PAN-AMERICAN BUS LINES OF CHARLOTTE, N. C. FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1330, dated August 14, 1940, Pan-American Bus Lines was found guilty of failing to report and pay certain mileage taxes, and included in the penalties fixed by this Commission for such violation was a fine of \$100.00 which would be accepted as full satisfaction of all penalties entered against said carrier.

2. It now appears that the fine imposed by said Order No. 1330 has been paid.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that said fine be and it is hereby accepted as full satisfaction of the judgment entered against Pan-American Bus Lines by Order No. 1330 and said judgment is hereby **CANCELED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 22d day of August, 1940.

ORDER NO. 1345,**DOCKET NO. 1442.**

IN RE: PETITION OF FLORIDA INTRASTATE RATE BUREAU FOR APPROVAL OF ITEMS 3500 THROUGH 10,340 INCLUSIVE. EXCEPTIONS NO. 3 TO NATIONAL MOTOR CLASSIFICATION (SOUTH).

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Exceptions No. 3 to National Motor Classification (South) have been filed with this Commission to become effective on September 1, 1940. These exceptions apparently reduce the classification on a large number of higher rated articles in order to meet similar reductions made by the rail lines. The rail reductions will become effective interstate on September 1, 1940, and intrastate on that date also by orders Nos. 1328 and 1329 of this Commission.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that Items 3500 through 10,340 inclusive, Exceptions No. 3 to National Motor Freight Classification (South) be and the same are hereby APPROVED for application intra-state in Florida on and after September 1, 1940.

It is further ORDERED that jurisdiction of this matter is retained for such further proceedings as may be required.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 31st day of August, 1940.

ORDER NO. 1346,

DOCKETS NOS. 100-40.

646

IN RE: JOINT APPLICATION TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 18 FROM TECHE LINES, INCORPORATED TO THE GREYHOUND CORPORATION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter came on for formal hearing before the Railroad Commission of the State of Florida at Tallahassee, Florida, on September 11, 1940, pursuant to Notice No. 653. The following appeared:

H. Vance Greenslit of New Orleans, Louisiana, Attorney and Vice President of Teche Lines, Incorporated, representing the joint applicants.

2. Teche Lines, Incorporated, is the holder of Certificate of Public Convenience and Necessity No. 18, authorizing the transportation of passengers, baggage and light express between Marianna, Florida, and the Alabama-Florida line over U. S. Highway No. 90; between Pensacola and the Alabama-Florida line over U. S. Highway No. 29; and between Pensacola and certain beaches and other towns near Pensacola. This application seeks approval of the transfer of all the operating rights of the Teche Lines, Incorporated, in the State of Florida to The Greyhound Corporation. It appears that The Greyhound Corporation at the present time is a holding company owning or controlling all of the capital stock of Teche Lines, Incorporated.

3. It is not proposed to change in any way the operation of these certificate rights. The transferee will operate the same schedules at the same rates and perform the same services as have been performed by the transferor. The Commission finds that this transfer will be in the public

interest. Approval will be conditioned upon the Interstate Commerce Commission's approval of the transfer of the interstate rights over these routes and upon compliance by The Greyhound Corporation with all laws of the State of Florida and the rules and regulations of this Commission relating to the operation of auto transportation companies. The applicants will be expected to file with this Commission certified copies of the Interstate Commerce Commission's orders involving their rights in this territory, including the exact effective date of the transfer, and also will be expected to file within a reasonable time after said date financial statements of both companies as of said date.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the joint application of Teche Lines, Incorporated of New Orleans, Louisiana, and The Greyhound Corporation of Chicago, Illinois, for transfer from the former to the latter of Certificate of Public Convenience and Necessity No. 18, be and the same is hereby **APPROVED**.

It is further **ORDERED** that the approval of this transfer is contingent upon the approval of the transfer of the interstate operating rights of the applicant by the Interstate Commerce Commission and upon compliance by The Greyhound Corporation with all laws of the State of Florida and the rules and regulations of this Commission governing auto transportation companies.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 11th day of September, 1940.

CITATION

ORDER NO. 1347,

DOCKET NO. 100-53.

**IN RE: CITATION AGAINST FIVE TRANSPORTATION COMPANY
FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES
WITHIN THE TIME REQUIRED BY LAW.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. It appearing that the respondent, Five Transportation Company of Brunswick, Georgia, has paid to the Treasurer of the State of Florida the fine of of \$25.00 imposed as part of the penalties fixed by this Commission under Order No. 1328, dated August 14th, 1940, which penalties were on account of the failure of the respondent to report and pay certain mileage taxes:

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the payment of said fine be and it is hereby accepted as full satisfaction of all penalties imposed under said Order No. 1328, and this citation proceeding is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of September, 1940.

CITATION

ORDER NO. 1348,

DOCKET NO. 732.

IN RE: CITATION AGAINST ALABAMA HIGHWAY EXPRESS FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. It appearing that the respondent, Alabama Highway Express of Birmingham, Alabama, has paid to the Treasurer of the State of Florida the fine of \$25.00 imposed as part of the penalties fixed by this Commission under Order No. 1329, dated August 14, 1940, which penalties were on account of the failure of respondent to report and pay certain mileage taxes:

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the payment of said fine of \$25.00 be and it is hereby accepted as full satisfaction of all penalties imposed under said Order No. 1329, and this citation proceeding is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of September, 1940.

ORDER NO. 1349,

DOCKET NO. 734.

IN RE: APPLICATION OF EUGENE MACK WEAVER, BRISTOL, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER BY MOTOR VEHICLE, TRANSPORTING PASSENGERS AND FREIGHT FROM CHIPLEY, FLORIDA, TO VERNON, FLORIDA, OVER STATE HIGHWAY NO. 163, AND FROM CHIPLEY, FLORIDA, TO EBRO, FLORIDA, OVER STATE HIGHWAY NO. 39.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Upon application of Eugene Mack Weaver of Bristol, Florida, and account of the present condition of the highway between Chipley and Vernon, the Commission has authorized his operation over Florida Highway No. 1, U. S. Highway No. 90 via Bonifay.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity awarded under Order No. 1326, dated August 2, 1940, be and the same is hereby amended so as to authorize the transportation of passengers, mail and light express between Chipley and Vernon, Florida, via Bonifay over U. S. Highway No. 90, Florida Highway No. 1, with closed doors between Chipley and Bonifay.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of September, 1940.

ORDER NO 1350,

DOCKET NO. 440.

IN RE: COMPLAINT AGAINST HOWARD HALL COMPANY, INC., OF BIRMINGHAM, ALABAMA, FOR VIOLATIONS OF THE LAW AND THE RULES AND REGULATIONS OF THE RAILROAD COMMISSION.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Citation dated August 28, 1940, Howard Hall Company, Inc., was charged with transporting certain commodities without his vehicles having Florida "For Hire" License tags, Railroad Commission tags, or the name and Certificate number of the owner of said vehicles. It now appears that this transportation was being made in behalf of the State of Alabama, and that the respondent was of the opinion that proper ar-

rangements had been made for such transportation, and that his trucks were qualified to perform such transportation service.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the Citation contained in Order No. 1340, dated August 28, 1940, against Howard Hall Company, Inc., be and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 20th day of September, 1940.

ORDER NO. 1351. (Amending Order No. 1327)

DOCKET NO. 100-1.

IN RE: APPLICATION OF CENTRAL TRUCK LINES, INC., OF TAMPA, FLORIDA, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE IN INTRASTATE COMMERCE DAILY BETWEEN LAKE CITY, FLORIDA, AND GAINESVILLE, FLORIDA, OVER STATE ROAD NO. 2, AND BETWEEN HIGH SPRINGS, FLORIDA, AND DUNNELLON, FLORIDA, OVER STATE ROAD NO. 5, AND FOR AUTHORITY TO SERVE CERTAIN OFF-LINE POINTS IN INTRASTATE COMMERCE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

It was the purpose and intent of Order No. 1327, dated August 2, 1940, to grant an extension of Certificate of Public Convenience and Necessity of Central Truck Lines, Inc., to authorize intrastate service at all points between Lake City and Gainesville over State Road No. 2. Some ambiguity has arisen over the construction of the language used in said order and the Commission now amends said order to read as follows:

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the Certificate of Public Convenience and Necessity of Central Truck Lines, Inc., be and it is hereby extended to authorize intrastate service at all points between Lake City and Gainesville over State Road No. 2, including High Springs, Florida, and within a radius of five miles thereof, and to authorize the service in intrastate commerce as off-line stations the following points:

HOMOSASSA, HOMOSASSA SPRINGS, RED LEVEL, CRYSTAL RIVER, LECANTO, KEYSTONE HEIGHTS, MELROSE AND CAMP BLANDING.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of August 1940.

ORDER NO. 1352,

DOCKET NO. 648.

IN RE: APPLICATION OF GULF COAST TRANSPORTATION COMPANY OF JACKSONVILLE, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF PERSONS AND PROPERTY BETWEEN TALLAHASSEE AND ST. MARKS, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at Tallahassee, Florida, on September 16, 1940, pursuant to Notice No. 652. The following appeared:

Martin Sack of Jacksonville, Florida, for the applicant.

B. A. Meginniss of Caldwell & Meginniss, Tallahassee, Florida, for protestant A. W. Lee, doing business as Lee's Coach Line.

G. P. Everton of Tallahassee, Florida, for Flamingo Truck Lines, Inc.

2. Gulf Coast Transportation Company of Jacksonville, Florida, has applied for a Certificate of Public Convenience and Necessity to operate a common carrier passenger and freight service between Tallahassee and St. Marks, Florida, via Wakulla Station. It was proposed to make one round trip each day and to use a combination vehicle that would carry both passengers and light freight.

3. The applicant produced several witnesses from St. Marks to show the need for this service. St. Marks is not at present served by any regular transportation agency. It is about twenty-one miles from Tallahassee and about six miles from Wakulla Station on the main highway through this section.

4. The application was opposed by A. W. Lee, doing business as Lee's Coast Line. Mr. Lee operates a passenger and light express common carrier service over U. S. Highway No. 319 between Tallahassee and Panama City serving Wakulla Station. Mr. Lee contended that the application covered territory largely served by his line and he offered to provide whatever service the Commission might find necessary.

5. The Commission finds that Public Convenience and Necessity required a regular transportation service between St. Marks and Tallahassee but that Lee's Coach Line should be given an opportunity to provide the passenger service in accordance with the provisions of the law protecting existing carriers in a territory.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Gulf Coast Transporta-

tion Company be granted a Certificate of Public Convenience and Necessity as a common carrier of freight between St. Marks and Tallahassee and that this application in all other respects be denied.

It is further **ORDERED** that Gulf Coast Transportation Company is hereby given ninety days from the date of this order within which to qualify its vehicles and begin this service; that such service shall be performed at the rates set forth in Exhibit "F" attached to the application and on regular schedules which shall be filed with the Commission.

It is further **ORDERED** that A. W. Lee, doing business as Lee's Coach Line, shall institute passenger and light express service on or before October 20th, 1940, between Tallahassee and St. Marks and between Tallahassee and Wakulla Springs on such schedules and at such rates as shall be filed for approval with this Commission, and Certificate of Public Convenience and Necessity No. 4 held by A. W. Lee, doing business as Lee's Coach Line, be and the same is hereby extended to include additional points of Wakulla Springs and St. Marks over existing State Highways as set forth in this order.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 26th day of September, 1940.

ORDER NO. 1353. (Supplementing Order No. 1001)

DOCKET NO. 1295.

IN RE: PUBLICATION OF FLORIDA MOTOR FREIGHT TARIFF NO. 2, LOCAL AND JOINT RATES, RULES AND REGULATIONS, FOR THE USE OF COMMON CARRIERS BY MOTOR VEHICLE WITHIN THE STATE OF FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. By Order No. 1001, dated November 8, 1937, it was **ORDERED** by the Railroad Commission of the State of Florida that Florida Motor Freight Tariff No. 2, be and was thereby adopted and promulgated for use in the State of Florida on intrastate traffic of freight by common carrier motor vehicle, and such common carriers of freight were thereby directed and required to use, follow and abide by said Florida Motor Freight Tariff No. 2.

2. It was further **ORDERED** that on and after the effective date of Florida Motor Freight Tariff No. 2, no common carrier of freight by motor vehicle should publish any freight tariff of any kind, nor should there be published any compilation or statement of rates, rules or regulations, by such common carriers.

3. WHEREAS it appeared advisable and necessary for this Commission to compile, publish and issue Florida Motor Freight Tariff No. 2, and supplements thereto, because of failure on the part of common carrier motor freight lines to do so, and:

4. WHEREAS common carrier motor freight lines, authorized to haul intrastate traffic in the State of Florida, have petitioned this Commission for authority to compile, publish and distribute said Florida Motor Freight Tariff through their tariff agent of the Florida Intrastate Rate Bureau:

5. It is ORDERED, That the construction, publishing and distribution of Florida Motor Freight Tariff No. 2 by the Railroad Commission of the State of Florida, be and is hereby discontinued, and THAT in the future such freight tariff shall be compiled, published and distributed by the tariff agent of the Florida Intrastate Rate Bureau, as prayed for by petitioners.

6. IT IS FURTHER ORDERED, That the construction, filing and posting of Florida Motor Freight Tariff, supplements thereto or reissues thereof, shall comply with regulations to govern the construction, filing and posting of common carrier freight tariffs as promulgated by the Interstate Commerce Commission in Tariff Circular MF No. 3, EXCEPT that all changes in rates, rules and regulations, which in any manner increase or decrease the cost of service, or in any way change the character of service to the shipper, shall first be approved by this Commission before such tariff publication is placed with the public.

7. IT IS FURTHER ORDERED, That said Florida Motor Freight Tariff shall be reissued and that no further supplements to the current publication shall be permitted. Reissue shall be accomplished at earliest possible date.

8. In all other respects Order No. 1001 shall continue in full force and effect.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 26th day of September, 1940.

ORDER NO. 1354,

DOCKET NO. 463.

IN RE: CITATION AGAINST BAGGETT TRANSPORTATION COMPANY, INC., OF BIRMINGHAM, ALABAMA, FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission by Citation dated September 28, 1940, charged Baggett Transportation Company of Birmingham, Alabama, with having failed to pay mileage taxes for the months of June, July and August 1940, and with failure to report mileage made for said months to this Commission. The respondent paid these back taxes on October 1st, 1940, and the Commission assessed a nominal fine on account of the delinquency. This fine now having been paid:

It is, therefore CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that said fine of \$25.00 be and the same is hereby accepted as full satisfaction of the penalty assessed under said citation and said citation be and the same is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1355,

DOCKET NO. 100-10.

IN RE: CITATION AGAINST ST. JOHNS RIVER LINE COMPANY OF JACKSONVILLE, FLORIDA, FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission by Citation dated September 28, 1940, charged St. Johns River Line Company with having failed to pay mileage taxes for the month of August 1940, and with failure to report mileage made for said month to this Commission. The respondent paid this back tax on or about October 1st, 1940, and the Commission assessed a nominal fine on account of the delinquency. This fine now having been paid:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that said fine of \$25.00

be and the same is hereby accepted as full satisfaction of the penalty assessed under said citation and said citation be and the same is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1356,

DOCKET NO. 100-53.

IN RE: CITATION AGAINST FIVE TRANSPORTATION COMPANY OF BRUNSWICK, GEORGIA, FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission issued its Citation on September 28, 1940 charging the respondent, Five Transportation Company, with having failed to pay its mileage taxes for the month of August 1940. Hearing was held in the Commission's Hearing Room in Tallahassee, Florida, on October 15, 1940. Respondent did not appear.

The Commission finds the respondent guilty as charged, and it appearing that the mileage tax in question has been paid on or about October 1st, 1940, nominal penalties only as herein set forth will be assessed.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Five Transportation Company is guilty as charged and has incurred penalties which are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 15.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF A FINE OF \$25.00.

It is further ORDERED that this order shall take effect on November 1, 1940, and that the payment of said fine of \$25.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1357,

DOCKET NO. 737.

IN RE: CITATION AGAINST FLAMINGO TRUCK LINES, INC., OF JACKSONVILLE, FLORIDA, FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission issued its Citation on September 28, 1940 charging the respondent, Flamingo Truck Lines, Inc., with having failed to pay its Mileage Taxes for the month of August 1940. Hearing was held in the Commission's Hearing Room in Tallahassee, Florida, on October 15, 1940. Respondent did not appear.

The Commission finds the respondent guilty as charged, and it appearing that the mileage tax in question has been paid on or about October 8th, nominal penalties only as herein set forth will be assessed.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Flamingo Truck Lines, Inc., is guilty as charged and has incurred penalties which are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 228.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$25.00 AS A FINE.

It is further ORDERED that this order shall take effect on November 1st, 1940, and that the payment of said fine of \$25.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1358,

DOCKET NO. 564.

**IN RE: CITATION AGAINST LEROY BOWDEN OF PERRY, FLORIDA,
FOR FAILURE TO REPORT AND PAY MILEAGE TAXES WITHIN
THE TIME REQUIRED BY LAW.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission issued its Citation on September 28, 1940, charging the respondent Leroy Bowden with having failed to pay his Mileage Tax for the month of August 1940. Hearing was held in the Commission's Hearing Room, Tallahassee, Florida, on October 15, 1940. Respondent did not appear.

The Commission finds the respondent guilty as charged but will assess only nominal penalties on account of mitigating circumstances which have been shown to exist in this case. The respondent will be required to pay up all mileage taxes due and to file with this Commission Mileage Reports covering all months under which reports have not been made.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Leroy Bowden is guilty as charged and has incurred penalties which are hereby fixed as follows:

- (1) **REVOCATION OF PERMIT NO. 430.**
- (2) **PAYMENT TO THE TREASURER OF THE STATE OF
FLORIDA OF \$10.00 AS A FINE.**

It is further **ORDERED** that this order shall take effect on November 1, 1940, and that the payment of said fine of \$10.00 on or before said date, together with all mileage taxes due the State of Florida, will be accepted as full satisfaction of the judgment herein rendered, otherwise revocation of said Permit shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1359,

DOCKET NO. 341.

IN RE: CITATION AGAINST UNION TRANSFER & STORAGE COMPANY OF MIAMI, FLORIDA, FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission issued its Citation on September 28, 1940 charging the respondent, Union Transfer & Storage Company, with having failed to pay its mileage taxes for the month of August 1940. Hearing was held in the Commission's Hearing Room in Tallahassee, Florida, October 15, 1940. Respondent did not appear.

The Commission finds the respondent guilty as charged, and it appearing that the mileage tax in question has been paid on or about October 5, 1940, nominal penalties only as herein set forth will be assessed.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Union Transfer & Storage Company is guilty as charged and has incurred penalties which are hereby fixed as follows:

- (1) REVOCATION OF PERMIT NO. 256.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF A FINE OF \$10.00.

It is further ORDERED that this order shall take effect on November 1, 1940, and that the payment of said fine of \$10.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Permit will stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1360,

DOCKET NO. 732.

**IN RE: CITATION AGAINST ALABAMA HIGHWAY EXPRESS, INC.,
OF BIRMINGHAM, ALABAMA, FOR FAILURE TO PAY CERTAIN
MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission issued its Citation on September 28, 1940 charging the respondent, Alabama Highway Express, with having failed to pay its mileage taxes for the month of August 1940. Hearing was held in the Commission's Hearing Room in Tallahassee, Florida, on October 15, 1940. Respondent did not appear.

The Commission finds the respondent guilty as charged, and it appearing that the mileage tax in question has been paid on or about October 3, 1940, nominal penalties only as herein set forth will be assessed.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Alabama Highway Express, Inc., is guilty as charged and has incurred penalties which are hereby fixed as follows:

- (1) **REVOCATION OF CERTIFICATE OF REGISTRATION
NO. 77.**
- (2) **PAYMENT TO THE TREASURER OF THE STATE OF
FLORIDA OF A FINE OF \$10.00.**

It is hereby **ORDERED** that this order shall take effect on November 1, 1940, and that the payment of said fine of \$10.00 on or before said date will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1361,

DOCKET NO. 349.

IN RE: CITATION AGAINST P. T. MALONE HORSE TRANSPORTATION SERVICE OF CORAL GABLES, FLORIDA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission on September 28, 1940 issued its Citation charging P. T. Malone Horse Transportation Service with having failed to pay any mileage taxes for the months of May, June, July and August 1940, and for having failed to file Mileage Reports with this Commission for said months.

The Commission having been advised that no mileage was made by this carrier during said months, and that the reports covering the same would be promptly filed, has determined to assess only a nominal penalty for this violation.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that P. T. Malone Horse Trans. Service is guilty as charged in said Citation and has incurred the following penalty:

- (1) SUSPENSION OF ITS CERTIFICATE OF REGISTRATION NO. 75.

It is further ORDERED that this suspension shall remain in effect until the respondent has filed its mileage reports up to date, and has paid any mileage taxes that may be due to the State of Florida, and that upon the filing of said reports and payment of said taxes the suspension herein imposed shall be lifted.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1362,

DOCKET NO. 605.

IN RE: CITATION AGAINST J. H. BUIE OF GAINESVILLE, FLORIDA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission on September 28th, 1940 issued its Citation charging J. H. Buie with having failed to report and pay mileage taxes for the months of June, July and August 1940. Hearing was held on this Citation in Tallahassee, Florida, on October 15, 1940. No one appeared for respondent.

The Commission finds the respondent guilty as charged.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that J. H. Buie is guilty as charged in said Citation and has incurred penalties which are hereby fixed as follows:

- (1) **REVOCATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 219.**
- (2) **PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$10.00 AS A FINE.**

It is further **ORDERED** that this order shall take effect on November 1, 1940, and that the payment of said fine of \$10.00 on or before said date, together with the payment of all mileage taxes due, and the filing of all mileage reports due, will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1363,

DOCKET NO. 179.

IN RE: CITATION AGAINST L. C. CHASTAIN, DOING BUSINESS AS CHASTAIN TRANSFER COMPANY OF THOMASVILLE, GEORGIA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission issued its Citation on September 28, 1940 charging L. C. Chastain, doing business as Chastain Transfer Company, with having failed to report and pay mileage taxes for the month of August 1940. Hearing was held on this Citation in Tallahassee, Florida. No one appeared for respondent.

The Commission finds the respondent guilty as charged.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that L. C. Chastain, doing business as Chastain Transfer Company, is guilty as charged in said Citation and has incurred penalties which are hereby fixed as follows:

- (1) REVOCATION OF CERTIFICATE OF REGISTRATION NO. 73.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$10.00 AS A FINE.

It is further ORDERED that this order shall take effect on November 1, 1940, and that the payment of said fine of \$10.00 on or before said date, together with the payment of all mileage taxes due, and the filing of all mileage reports due, will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Certificate shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1364,

DOCKET NO. 495.

**IN RE: CITATION AGAINST C. W. JOHANSEN OF PENSACOLA,
FLORIDA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES
WITHIN THE TIME REQUIRED BY LAW.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission issued its Citation on September 28, 1940 charging C. W. Johansen with having failed to report and pay mileage taxes for the months of July and August 1940. Hearing was held on this Citation in Tallahassee, Florida. No one appeared for respondent.

The Commission finds the respondent guilty as charged.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that C. W. Johansen of Pensacola, Florida, is guilty as charged in said Citation and has incurred penalties which are hereby fixed as follows:

- (1) **REVOCATION OF PERMIT NO. 495.**
- (2) **PAYMENT TO THE TREASURER OF THE STATE OF
FLORIDA OF \$10.00 AS A FINE.**

It is further **ORDERED** that this order shall take effect on November 1, 1940, and that the payment of said fine of \$10.00 on or before said date, together with the payment of all mileage taxes due, and the filing of all mileage reports due, will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Permit shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1365,

DOCKET NO. 544.

IN RE: CITATION AGAINST SEALEY P. MOUNT, DOING BUSINESS AS TROPICAL CAB COMPANY OF MIAMI BEACH, FLORIDA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission on September 28, 1940 issued Citation charging Sealey P. Mount, doing business as Tropical Cab Company, with having failed to report and pay mileage taxes for the months of June, July and August 1940. Hearing was held on this Citation in Tallahassee, Florida on October 15th, 1940. No one appeared for respondent.

The Commission finds the respondent guilty as charged.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Sealey P. Mount, doing business as Tropical Cab Company, is guilty as charged in said Citation and has incurred penalties which are hereby fixed as follows:

- (1) REVOCATION OF PERMIT NO. 423.
- (2) PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF \$10.00 AS A FINE.

It is further ORDERED that this order shall take effect on November 1, 1940, and that the payment of said fine of \$10.00 on or before said date, together with the payment of all mileage taxes due, and the filing of all mileage reports due, will be accepted as full satisfaction of the judgment herein rendered, otherwise the revocation of said Permit shall stand and be enforced on said date.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 15th day of October, 1940.

ORDER NO. 1366,

DOCKET NO. 393.

IN RE: APPLICATION OF TRANSPORTATION SERVICE COMPANY, INC., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF FREIGHT AND PASSENGERS BETWEEN LEESBURG AND MIAMI.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at the Dade County Court House, Miami, Florida, on September 30, 1940, pursuant to Notice No. 654. The following appeared:

No appearances for applicant.

John M. Allison of Tampa Florida, appeared for Central Truck Lines, Inc.

A. Pickens Coles of Tampa, Florida, for Tamiami Trail Tours, Inc.

2. This application was filed on March 9, 1936 but was not set for hearing because certain highways over which the applicant desired to operate were not completed. At the hearing held no one appeared for the applicant, and it was shown by a motion filed by protestants, incorporating a Certificate under the seal of the Secretary of State of the State of Florida, that the applicant corporation had been dissolved and was not authorized to transact business in the State of Florida. For this, and other good cause shown:

It is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Transportation Service Company, Inc., for Certificate of Public Convenience and Necessity as a Common Carrier of freight and passengers between Leesburg and Miami, be and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of September 1940.

ORDER NO. 1367,

DOCKET NO. 735.

IN RE: APPLICATION OF SOUTHERN DISTRIBUTING COMPANY, INC., OF MIAMI, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF PASSENGERS AND FREIGHT OVER STATE ROAD NO. 26 FROM SOUTH BAY TO MIAMI AND FROM SOUTH BAY TO FORT LAUDERDALE.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at the Dade County Court House in Miami on September 30, 1940 pursuant to Notice No. 654. The following appeared:

F. W. Cason of Miami for the applicant.

A. Pickens Coles of Tampa for protestant, Tamiami Trail Tours, Inc.

A. Y. Milam of Jacksonville for protestant, Florida Motor Lines Corporation.

2. The applicant had no testimony to offer at the hearing and upon statement of applicant's counsel that the applicant was not prepared at this time to prosecute the application—

It is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Southern Distributing Company, Inc., for Certificate of Public Convenience and Necessity as a common carrier of passengers and freight between South Bay and Miami and South Bay and Fort Lauderdale, Florida, be and the same is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of September 1940.

ORDER NO. 1368,

DOCKET NO. 100-121.

IN RE: APPLICATION OF FLORIDA MOTOR LINES CORPORATION OF JACKSONVILLE, FLORIDA, FOR EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 8, TO COVER SIGHT-SEEING AND CHARTER OPERATIONS BETWEEN FLORIDA CITY AND ROYAL PALM STATE PARK, THE REDLANDS DISTRICT NEAR HOMESTEAD AND OTHER POINTS IN THE EVERGLADES OF DADE AND MONROE COUNTIES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida at the Dade County Court House in Miami, Florida, on September 30, 1940, pursuant to Notice No. 654. The following appeared:

A. Y. Milam of Jacksonville, Florida, for applicant.

2. The applicant, Florida Motor Lines Corporation, operates between Miami and Key West over State Road 4-A, and desires to extend its operations to include sight-seeing and charter trips to Florida City and Royal Palm State Park, the Redlands District near Homestead and other points and places in the Everglades National Park in Dade and Monroe Counties which may be reached by motor bus. The applicant showed that there was a demand for such charter service into this area, particularly during the tourist season. The applicant is willing to restrict its operations so as not to include State Road No. 27, known as the "Tamiami Trail" which is served by Tamiami Trail Tours, Inc. As so restricted, the Commission finds that public convenience and necessity require the granting of this application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 8 of Florida Motor Lines Corporation be and the same is hereby extended to include sight-seeing and charter operations to Royal Palm State Park, the Redlands District near Homestead and other points and places in the Everglades area of Dade and Monroe Counties except that portion of said Everglades served by Tamiami Trail Tours, Inc., on State Road No. 27.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of September, 1940.

ORDER NO. 1369,

DOCKET NO. 737.

IN RE: CITATION AGAINST FLAMINGO TRUCK LINES, INC., OF JACKSONVILLE, FLORIDA, FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

The Commission having assessed certain penalties by Order No. 1357, dated October 15, 1940, against Flamingo Truck Lines, Inc., for failure to pay certain Mileage Taxes within the time prescribed by law and the rules of this Commission, and it appearing that the fine of \$25.00 assessed has been paid:

Therefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of said fine be and it is hereby accepted as full satisfaction of said Citation judgment, and the same is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 22d day of October 1940.

ORDER NO. 1370,

DOCKET NO. 564.

IN RE: CITATION AGAINST LEROY BOWDEN OF PERRY, FLORIDA, FOR FAILURE TO REPORT AND PAY MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

The Commission having assessed certain penalties by Order No. 1358, dated October 15, 1940, against Leroy Bowden, for failure to pay certain mileage taxes within the time prescribed by law and the rules of this Commission, and it appearing that the fine of \$10.00 assessed has been paid:

Therefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the payment of said fine be and it is hereby accepted as full satisfaction of said citation judgment, and the same is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 22d day of October 1940.

ORDER NO. 1371,

DOCKET NO. 732.

**IN RE: CITATION AGAINST ALABAMA HIGHWAY EXPRESS, INC.,
FOR FAILURE TO PAY CERTAIN MILEAGE TAXES WITHIN
THE TIME REQUIRED BY LAW.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

The Commission having assessed certain penalties by Order No. 1360, dated October 15, 1940, against Alabama Highway Express, Inc., for failure to pay certain mileage taxes within the time prescribed by law and the rules of this Commission, and it appearing that the fine of \$10.00 assessed has been paid:

Therefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the payment of said fine be and it is hereby accepted as full satisfaction of said citation judgment, and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 22d day of October 1940.

ORDER NO. 1372,

DOCKETS NOS. 685 AND 100-121.

IN RE: JOINT APPLICATION OF S. BRYAN JENNINGS AND WILLIAM J. PORTER, DOING BUSINESS AS CAMP AND KEYSTONE LINES, AND FLORIDA MOTOR LINES CORPORATION, FOR APPROVAL OF TRANSFER OF CERTAIN CERTIFICATE RIGHTS AND FOR APPROVAL OF INTERLINE CONTRACT,

—and—

MOTION OF S. BRYAN JENNINGS AND WILLIAM J. PORTER, DOING BUSINESS AS CAMP AND KEYSTONE LINES FOR APPROVAL OF OPERATING AGREEMENT WITH LOTTIE M. ESTES AND NIEUPORT B. ESTES, HER HUSBAND.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter came on for formal hearing before Honorable Eugene S. Matthews, Chairman of the Florida Railroad Commission, who had been formally designated by the Commission to hear this cause, in Tallahassee, Florida, on September 18, 1940, pursuant to Notice No. 656. The following appeared:

A. Y. Milam of Jacksonville for Florida Motor Lines Corporation.

Sam Kassewitz of Jacksonville for S. Bryan Jennings and William J. Porter, doing business as Camp and Keystone Lines.

Chairman Matthews having made his report to the Commission of these proceedings, and the Commission having considered same, the opinion and order of the Commission is as follows:

2. S. Bryan Jennings and William J. Porter, doing business as Camp and Keystone Lines, holds a certificate of public convenience and necessity issued by Order No. 1244, dated December 27, 1939, authorizing the transportation of passengers between Jacksonville and Silver Springs serving the Naval Air Base, Middleburg, Penny Farms, Keystone Heights, Melrose, Johnson and Fort McCoy, over highways connecting these towns. Because of the condition of the roads involved, service has not been instituted over this route, and this Commission by its Order No. 1325, dated August 7, 1940, approved this delay and amended the Certificate to include operation over 3.2 miles of State Road No. 48 west from its junction with Road No. 68 to the entrance to Camp Blanding on Road No. 48.

3. Approval is sought by this application for the transfer to Florida Motor Lines Corporation of the rights of the Camp and Keystone Lines which lie south of State Road No. 48, viz, the right to serve Keystone Heights, Melrose, Johnson, Fort McCoy and Silver Springs, and for the transfer to Camp and Keystone Lines of Florida Motor Lines' rights between Starke and Green Cove Springs via Camp Blanding and Penny Farms. The purpose of these transfers is to eliminate unnecessary competition between the two carriers in this territory and especially to enable Camp and Keystone Lines to better furnish the peculiar type of service which will be needed at Camp Blanding when that Military Reservation is fully occupied. This service may require mass movement of military personnel on week-ends and holidays involving the maintenance of "stand-by" equipment at the camp, and it is requested that flexible authority be granted in so far as schedules are concerned.

4. Camp and Keystone Lines proposes to begin immediately operation of Florida Motor Lines' present schedules between Starke and Green Cove Springs, and to furnish such service between the camp and the cities of Jacksonville, Starke and Green Cove Springs from time to time as the traffic demands. Busses will be used similar to those operated in Jacksonville by the Motor Transit Company of that city and an operating agreement between Mr. Jennings and Mr. Porter and Mr. Nieuport B. Estes, President of the Motor Transit Company, and his wife, was put in evidence whereby the Estes were to furnish all of the equipment necessary to provide this service. This will provide Camp Blanding with direct bus service to Jacksonville, Starke and

Green Cove Springs, with bus connections at those cities for more distant points.

5. Florida Motor Lines requests, in accordance with the authority previously granted Camp and Keystone Lines, that it not be required to operate over the route being taken over by it south of State Road 48 down to Silver Springs until State Road 68 is completed from Jacksonville to Keystone Heights. Upon the completion of this road it proposes to operate over this route one or more of its down-state schedules between Jacksonville and Ocala.

6. Approval is also sought for an interline operating agreement between Florida Motor Lines and Camp and Keystone Lines which divides this territory as set forth above, provides for interchange of traffic and joint terminals, and provides that pending completion of State Road 68 (which will probably be completed by next spring) Camp & Keystone Lines may operate over Florida Motor Lines' route from Jacksonville to Green Cove Springs and thence to Camp Blanding but with closed doors between Jacksonville and Green Cove Springs, excepting the Naval Air Station, at Yukon which may be served. This agreement also provides that Camp & Keystone Lines may operate to any entrance to Camp Blanding that may be opened along State Road 68 South of State Road 48. The Commission finds this agreement to be in the public interest and will approve same subject to any findings or orders which may be made in the future with reference to the subject matter thereof.

7. Camp and Keystone Lines for the present proposes to maintain the same rates now in effect by Florida Motor Lines between the points on their routes. However, it is proposed to reduce these substantially to attract the large volume of potential business at the Camp when Road 68 is opened. The carrier will be expected to file from time to time for approval such rates as it proposes to charge and considers proper. The original authority of Camp & Keystone Lines was limited to the transportation of passengers only and in accordance with the testimony of both parties to this application this will be extended to include the usual mail, baggage and light express.

8. The applicant, Camp & Keystone Lines, requests approval of an agreement, referred to above, with Nieuport B. Estes and Lottie M. Estes, his wife, whereby the latter are to "have the exclusive management and control" of the operation of the certificate rights of the former for a period of five years from the inauguration of the service. By approving this agreement, the Commission recognizes the ability of Mr. Jennings and Mr. Porter to furnish the service required and will look to them as the certificate holders for compliance with the law and the Commission's rules, the operation to be conducted at all times

under the name, Camp and Keystone Lines, unless and until this Commission shall give its approval to a change of name.

9. The Commission finds in accordance with the foregoing opinion that public convenience and necessity require the granting of this application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the joint application of S. Bryan Jennings and William J. Porter, doing business as Camp & Keystone Lines, and Florida Motor Lines Corporation for approval of the transfer to Florida Motor Lines Corporation of the operating rights of Camp & Keystone Lines South of State Road 48, to-wit, operations to Keystone Heights, Melrose, Orange Springs, Fort McCoy and Silver Springs over State Road 68 from its intersection with State Road 48 South to Keystone Heights, thence over State Road 80 to the intersection of State Road 14, thence over State Road 14 east to the intersection of State Road 244, and thence over State Road 244 to Silver Springs, subject to the right of Camp & Keystone Lines to serve any entrance to Camp Blanding located on State Road 68; and for approval of the transfer to Camp & Keystone Lines of the operating rights of Florida Motor Lines Corporation over State Road 48 between Starke and Green Cove Springs, be and the same is hereby **GRANTED**.

It is further **ORDERED** that Camp and Keystone Lines shall take over and operate the present schedules of Florida Motor Lines between Starke and Green Cove Springs shall file and maintain such schedules between Camp Blanding and Jacksonville, Starke and Green Cove Springs as it may deem necessary to handle the traffic, and shall operate into Jacksonville via Green Cove Springs until the completion and opening of State Road 68 but with closed doors in respect to Jacksonville and Green Cove Springs and points between (excepting the Naval Air Base at Yukon which may be served); and shall file and maintain such fares as are now charged by Florida Motor Lines, all subject to the further order of the Commission.

It is further **ORDERED** that the authority heretofore granted to Camp & Keystone Lines be amended to include in addition to passengers, mail baggage and light express.

It is further **ORDERED** that Florida Motor Lines Corporation shall not be required to begin operation over the route described between Silver Springs and State Road 48 until the completion of State Road 68, but that upon completion of said road 68 through service shall be operated over said route between Jacksonville and Silver Springs.

It is further **ORDERED** that the Interline Contract and Agreement between Florida Motor Lines Corporation and S. Bryan Jennings and William J. Porter, doing business as Camp & Keystone Lines, dated

August 29, 1940; and the Agreement dated August 1, 1940, between the said Jennings and Porter and Lottie M. Estes and Nieuport B. Estes her husband, be and the same are hereby APPROVED, subject to such further action as may be taken by the Commission with respect to the subject matter of the same.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 5th day of October 1940.

ORDER NO. 1373,

DOCKET NO. 727.

IN RE: APPLICATION OF VAN J. JERNIGAN OF MILTON, FLORIDA, FOR CERTIFICATE AUTHORIZING THE TRANSPORTATION OF PASSENGERS AND LIGHT EXPRESS BETWEEN MILTON, FLORIDA, AND FLOMATON, ALABAMA, VIA JAY, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission by its Order Number 1305, dated May 13, 1940, granted a Certificate to Van J. Jernigan, authorizing a passenger operation between Milton, Florida and Flomaton, Alabama via Jay. This Order provided that the applicant should begin operation within forty-five (45) days from the date of the Order. Considerably more than this period of time has passed and the applicant has not met the requirements of the law to begin this operation.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Order Number 1305, dated May 13, 1940 be and the same is hereby REVOKED and this application is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 17th day of October, 1940.

ORDER NO. 1374,

DOCKET NO. 349.

IN RE: CITATION AGAINST P. T. MALONE HORSE TRANSPORTATION SERVICE OF CORAL GABLES, FLORIDA, FOR FAILURE TO PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission by its Order 1361, dated October 15, 1940, suspended the Certificate of Registration held by P. T. Malone Horse

Transportation Service of Coral Gables, Florida until the Respondent had filed its mileage reports and paid any mileage taxes due the State of Florida.

The Respondent having made proper report to the Commission showing that no mileage was operated by it in this State during the months for which the mileage taxes were not paid.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the suspension of Certificate of Registration Number 75, held by P. T. Malone Horse Transportation Service be removed and the Citation charges against the Respondent be **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 28th day of October, 1940.

ORDER NO. 1375,

DOCKET NO. 341.

IN RE: CITATION AGAINST UNION TRANSFER AND STORAGE COMPANY OF MIAMI, FLORIDA, FOR FAILURE TO REPORT AND PAY CERTAIN MILEAGE TAXES WITHIN THE TIME REQUIRED BY LAW.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission by its Order Number 1359, dated October 15, 1940, assessed certain penalties against Union Transfer and Storage Company of Miami, Florida for failure to pay certain mileage taxes. Included in such penalties was a fine of \$10.00. It appearing that said fine has been paid.

It is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the payment of said fine be and the same is hereby accepted as full satisfaction of all the penalties assessed in said Order Number 1359 and the Citation against Union Transfer and Storage Company be and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 28th day of October, 1940.

ORDER NO. 1376,

DOCKET NO. 188.

IN RE: COMPLAINT AGAINST SUDDATH MOVING & STORAGE COMPANY OF TAMPA, FLORIDA, FOR VIOLATIONS OF THE TARIFF GOVERNING THE TRANSPORTATION OF HOUSEHOLD GOODS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This Commission cited Suddath Moving & Storage Company on August 28th, 1940, by Citation Order No. 1341 for violating the Commission's Household Goods Tariff No. 1 on two occasions, one on June 22, 1940 and the other on August 6, 1940. The respondent appeared at the hearing through its counsel, Leo P. Kitchen of Jacksonville, Florida, and entered a plea of nolo contendere and admitted without objection the evidence produced by the Commission's staff.

The testimony shows that on each of the occasions named the respondent transported from Tampa, Florida, to Miami, Florida, a load of household goods, and in each instance computed the number of cubic feet in the shipment at less than the actual number of feet transported, and charged the shipper for the smaller and incorrect number of feet.

Wherefore the Railroad Commission of the State of Florida hereby finds the respondent, Suddath Moving & Storage Company, guilty as charged on each count in said citation and hereby fixes the penalties for such violations as follows:

(1) **REVOCATION OF ITS PERMIT NO. 130.**

(2) **PAYMENT TO THE TREASURER OF THE STATE OF FLORIDA OF A FINE OF \$25.00 ON EACH OF SAID TWO COUNTS, MAKING A TOTAL FINE OF \$50.00.**

It is further ORDERED that the above penalties shall become effective on November 25th, 1940, at 12:01 A. M. and that the payment by the respondent of said fine of \$50.00 on or before said date shall be accepted as full satisfaction of all penalties herein fixed, otherwise all penalties herein fixed shall be and become effective on said date.

DONE AND ORDERED by the Railroad Commission of the State of FLORIDA in session at its office in the City of Tallahassee, Florida, this 13th day of November, 1940.

ORDER NO. 1377,

DOCKET NO. 649.

IN RE: APPLICATION OF BELCHER OIL COMPANY OF MIAMI, FLORIDA, FOR A LIMITED COMMON CARRIER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ENGAGE IN CERTAIN TYPES OF HEAVY HAULING.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida in Miami, Florida, on October 1, 1940 pursuant to Notice No. 655. The following appeared:

M. Lewis Hall for Belcher Oil Company, Applicant.

For Protestants: A. Pickens Coles for Tamiami Trail Tours, Inc., Norris McElyea for J. G. Coats, Wiseheart & Wiseheart for Leonard Brothers Transfer & Storage Company, J. H. Elliott for Great Southern Trucking Company, Leo P. Kitchen and Dan R. Schwartz for Overseas Transportation Company, W. T. Wolfe, Traffic Manager, Flamingo Truck Lines, and Robert F. Underwood for John C. Miller.

2. The applicant seeks a Certificate of Public Convenience and Necessity as a limited common carrier to transport contractor's equipment such as drag lines, rollers, tractor graders and all kinds of heavy machinery within a radius of two hundred miles of Miami. Applicant desires to use in such hauling one principal tractor and one auxiliary piece of equipment. The main piece of equipment is described as a five ton Bull Dog Mack Tractor and open bodied semi-trailer having a loading space 11 feet wide and 26 feet long. This trailer is constructed mainly for the purpose of carrying heavy machinery such as drag lines and tractors which are loaded either under their own power or by means of a 25 foot crane. Axles and tire space are such that a machine weighing as much as sixty tons can be carried. The applicant is engaged primarily in the oil business and owns one-half interest in this equipment which it has used in the past in hauling property for the Belcher Oil Company. The purpose of this application is to enable this equipment to be utilized in general hauling of the kind that it is able to do in the South Florida area.

3. The evidence shows that there is apparently no other equipment of this character in or around Miami which is capable of hauling anything like as heavy a load as the equipment described. It is proposed to charge for the use of this equipment \$12.00 per hour regardless of the distance of the haul. In connection with the operation of the main piece of equipment described the applicant also desires to register a smaller tractor semi-trailer to use only in making hauls auxiliary to a haul made by the main equipment described. The smaller truck would not be used

except to haul parts or additional equipment essential to the use of something hauled on the larger vehicle. Where the smaller truck is used a rate of \$3.00 per hour is proposed.

4. Protestants are other heavy haulers and common carriers serving the South Florida area and no serious objection is made to this application if it is limited to extra heavy property or machinery which no other carrier can handle. Objection is made to the use of the smaller truck. Also it is pointed out that Section 11 of Chapter 14,764, as amended, prohibits the issuance of a common carrier certificate for the operation of any vehicle exceeding eight feet in width. The Commission has carefully considered all of these objections and is of opinion that public convenience and necessity require the granting of this application. Since the equipment is larger and heavier than usual the applicant will be required to secure from the State Road Department special authority on every occasion that State Highways are to be used. We do not believe that the limitation in Section 11 of the Motor Transportation Act will apply in this case since the applicant will not be a common carrier over regular routes or on fixed schedules or between fixed termini.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Belcher Oil Company of Miami for a Certificate of Public Convenience and Necessity as a limited common carrier to haul extra heavy or bulky property, including heavy machinery and contractor's equipment within a radius of two hundred miles from the City of Miami, Florida, be and the same is hereby **GRANTED**.

It is further **ORDERED** that this authority is limited to the two pieces of equipment described above, and that the rates for the use of such equipment shall be \$12.00 per hour for the larger unit and \$3.00 per hour for the small truck; and that the smaller truck shall not be used independent of the larger vehicle but only in connection with and auxiliary to a haul made by the large unit.

It is further **ORDERED** that approval shall be secured from the State Road Department on every occasion when the large equipment described herein is operated over State Highways.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of November 1940.

ORDER NO. 1378,

DOCKET NO. 100-100.

IN RE: APPLICATION OF LEONARD BROTHERS TRANSFER & STORAGE COMPANY, INC., OF MIAMI, FLORIDA, FOR EXTENSION OF ITS CERTIFICATE NO. 169 TO INCLUDE THE TRANSPORTATION OF ANY COMMODITIES REQUIRING SPECIAL EQUIPMENT, SPECIAL HANDLING OR SPECIAL SERVICE NOT USUALLY RENDERED BY REGULAR COMMON CARRIERS.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This application came on for formal hearing before the Railroad Commission of the State of Florida in Miami, Florida, on October 3, 1940, pursuant to Notice No. 654. The following appeared:

Marshall C. Wiseheart of Wiseheart & Wiseheart, for applicant.

For Protestants: A. Pickens Coles for Tamiami Trail Tours, Inc., W. T. Wolfe for Flamingo Truck Lines, Inc., Robert Underwood for John C. Miller, Leo P. Kitchen and Dan R. Schwartz for Overseas Transportation Company, J. H. Elliott for Great Southern Trucking Company.

2. This application seeks to extend the existing authority of Leonard Brothers Transfer & Storage Company, Inc., of Miami, Florida. Applicant's present authority is set forth in detail in Order No. 1181, dated July 26, 1939, and supplemented by Order No. 1342, dated August 14, 1940. It includes the right to haul household goods throughout the state; new furniture and fixtures for retail stores in Miami to points in Dade and Broward Counties; race horses between points in Dade, Broward and Palm Beach counties; and heavy machinery and contractors' equipment and other heavy or bulky articles such as boats and extra heavy steel from Miami to points not served by other carriers, and to such points when regular carriers have refused such articles. The application is very broad and would extend the authority of this carrier so that it could haul any article to any point in the state when the transportation required any *special* equipment, *special* handling, or *specialized* service not usually rendered by regular rail or common carrier truck lines. Protest-ing truck lines objected on the ground that such broad authority would enable applicant to invade the field of the regular carriers and that applicant should be confined to the special field of heavy hauling which is the major part of its business.

3. The Commission has carefully considered the requests made by the applicant and is of opinion that its authority should be broadened in certain particulars but that it would not be in the public interest or consistent with the development and preservation of a sound transporta-

tion system to grant applicant as broad authority as requested. The theory proposed—to permit any hauling requiring special equipment, handling or service—is too vague and difficult of enforcement, nor has applicant's proof shown any need for such authority. Of fourteen witnesses who testified for applicant, all but two or three spoke of the need for services which Leonard Brothers is already authorized to perform. This includes the hauling of heavy machinery and construction contractors' equipment. Need was shown for the addition of only two to the list of commodities which applicant might haul: first, voting machines in Dade County; second, articles such as pipe, and electrical equipment such as wire, cable and transformers, which must be distributed along a highway or right-of-way for construction purposes.

4. With reference to the hauling of pipe to be distributed along a right-of-way, protestant John C. Miller showed that he was authorized under Order No. 1229, dated December 5, 1939, to haul among other things "iron and terra-cotta pipe * * * from Port Everglades or Miami to points South of Miami on State Road No. 4 and 4-A," and objection was made to any invasion of his territory by the applicant. Need was shown for the services of a carrier who could distribute pipe along the highway between Homestead and Key West, and Mr. Miller testified that he had or could secure the equipment required for such service. Since his authority is apparently limited to hauls "from Port Everglades or Miami," Miller filed his petition requesting that his authority be broadened to include all points on this highway should the Commission find public need for additional service in the territory already served in part by him. The Commission under the law is required to protect existing transportation facilities where reasonably possible, and we find that the need for a carrier to haul pipe along State Road 4 and 4-A between Miami and Key West should be met by extending the existing authority of John C. Miller who is already serving this territory. For this reason the authority which we will give the applicant to haul this pipe will not include the highway south of Miami, and a separate order will be issued extending Miller's authority.

5. Applicant also sought removal of the provision limiting its heavy hauling authority to hauls originating in Miami. It was shown that applicant receives frequent calls from other cities in Dade County, and from other counties in the lower East Coast and Lake Okeechobee region, and the Commission finds that public convenience and necessity require that applicant's authority be extended to include hauling between all points in this area.

6. Applicant also sought removal of the provision limiting its heavy hauling to points served by rail and common carrier truck lines to occasions when the regular carriers refuse the shipment. We find need for liberalizing this provision and will permit applicant to haul to such

points the products it is authorized to haul when specialized accessorial services not performed by rail or motor carriers are required and when the rate charged by applicant is sufficiently in excess of common carrier tariff rates to cover the extra cost of the specialized services rendered.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the authority of Leonard Brothers Transfer & Storage Company, Inc., of Miami, Florida, to engage in "heavy hauling" be amended so that it is authorized as follows: to transport as a limited common carrier over irregular routes and schedules heavy machinery which shall include heavy contractors' equipment, show equipment, farm equipment and machinery, boats, tanks and extra heavy steel for structural purposes between all points in Dade, Broward, Palm Beach, Martin, Okeechobee, Hendry, Glades and Collier Counties; provided that such products may be hauled to points in such counties served by regular rail or motor common carriers only when special accessorial services are rendered that are not rendered by such regular carriers and when the rates are sufficiently in excess of common carrier tariff rates to cover the extra cost of the specialized services.

It is further ORDERED that the authority of the applicant be extended to include the transportation of voting machines between points in Dade County.

It is further ORDERED that the authority of the applicant be extended to include the transportation of pipe and electrical equipment such as wire, cable and transformers, when such pipe and electrical equipment is distributed along a highway or right-of-way for construction purposes; provided that this authority does not include the hauling of pipe south of Miami on State Road 4 or 4-A.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 14th day of November 1940.

ORDER NO. 1379,

DOCKET NO. 620.

IN RE: PETITION OF JOHN C. MILLER OF MIAMI, FLORIDA, FOR
EXTENSION OF HIS OPERATING RIGHTS OVER STATE ROADS
4 AND 4-A SOUTH OF MIAMI.

IN RE: PETITION AND MOTION OF OVERSEAS TRANSPORTATION
COMPANY, INC. TO RECONSIDER AND MODIFY AUTHORITY
OF JOHN C. MILLER OVER STATE ROADS 4 AND 4-A SOUTH OF
MIAMI.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This Commission held a hearing in Miami on October 3, 1940, under Docket No. 100-100 on the application of Leonard Brothers Transfer & Storage Company, Inc. to extend its operating authority in certain particulars. As a result of that hearing and the testimony presented the Commission found public need for a carrier authorized to haul pipe over State Road 4 and 4-A between Miami and Key West to be distributed along the highway in construction work. Reference is made to our Order No. 1378 of even date disposing of the Leonard Brothers application. John C. Miller of Miami was a protestant in that case and showed that under his limited Common Carrier Certificate No. 212 he was authorized by Order No. 1229, dated December 5, 1939, to haul " * * * full truck loads, straight or mixed, of sand, rock, cement, cement blocks, iron and terra-cotta pipe, lumber and fertilizer from Port Everglades or Miami to points South of Miami on State Road No. 4 or 4-A, and the transportation of full truckloads of wet ice from Miami or Homestead to points South of Florida City."

2. After the conclusion of the hearing on the Leonard Brothers application, Mr. Miller filed his petition describing his authority with reference to the hauling of pipe and requesting that he be ordered to render such additional service as the Commission might find needed in hauling that commodity on the highways named.

3. Overseas Transportation Company, Inc. has also filed its motion to reopen and reconsider our Order No. 1229, and the testimony upon which the order is based, and has filed a petition to set aside and vacate said order. The contention is that the order goes beyond the scope of the hearing and grants operating rights broader than justified by the testimony. Specifically, it is contended that the evidence showed no need for Mr. Miller to operate south of a point about eighty miles from Miami or about half way to Key West, while the order would apparently allow him to go into Key West. The Commission has carefully considered this motion and petition and finds no justification for reopening Order No. 1229. Where public convenience and necessity is shown to exist for certain transportation over a portion of a single stretch of highway such as that between Miami and Key West, the Commission's jurisdiction is not so limited that it cannot provide for such transportation to be offered to all points on the highway.

4. With reference to the controversy over the ditch-side delivery of pipe along this road, it was admitted by Overseas Transportation Company in the Leonard Brothers hearing that it could not perform this service; so the Commission is required to decide between Mr. Miller and Leonard Brothers. The law requires the Commission to protect existing transportation facilities where reasonably possible and Mr. Miller already has authority to haul pipe along this highway, at least southbound from

Miami and Port Everglades. We find that any additional services in hauling pipe on this road should be provided by Mr. Miller as it is in his territory and that his authority should be broadened to remove any doubt as to this authority between all points south of Miami.

5. To prevent further controversy on this point with reference to other commodities the Commission will provide that Mr. Miller may haul any of the products named in Order No. 1229 between any points on the Miami-Key West highway. This does not in any way broaden the list of commodities which Mr. Miller may haul in full truck loads only, which commodities we previously found were not handled in such quantities by the regular common carrier, Overseas.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commissioners of the State of Florida that the authority of John C. Miller of Miami, Florida, under his limited Common Carrier Certificate No. 212, as set forth in Order No. 1229, dated December 5, 1939, be amended to read as follows:

"The transportation of full truck-loads, straight or mixed, of sand, rock, cement, cement blocks, iron and terra-cotta pipe, lumber and fertilizer between Port Everglades or Miami and points south of Miami on State Road No. 4 and 4-A, and between all points on said road south of Miami; and the transportation of full truck-loads of wet ice from Miami or Homestead to points south of Florida City."

It is further **ORDERED** that the petition and motion of Overseas Transportation Company, Inc. to reconsider and modify our Order No. 1229 be and the same are hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 14th day of November, 1940.

ORDER NO. 1380,

DOCKET NO. 100-66.

IN RE: APPLICATION OF BLUE'S TRUCK LINE, INC., JACKSONVILLE, FLORIDA, FOR EXTENSION OF ITS CERTIFICATE NO. 111, TO TRANSPORT UNDER CONTRACT FOR SOUTHEASTERN OIL COMPANY ALL KINDS AND CHARACTER OF GOODS, WARES AND MERCHANDISE OF THE SOUTHEASTERN OIL COMPANY, INCLUDING, BUT NOT LIMITED TO, PETROLEUM, PETROLEUM PRODUCTS, PETROLEUM BY-PRODUCTS, PETROLEUM DEALERS' SUPPLIES AND EQUIPMENT FROM JACKSONVILLE, FLORIDA, TAMPA, MIAMI, PORT EVERGLADES, SANFORD, ST. MARKS AND PANAMA CITY, FLORIDA, TO ALL POINTS AND PLACES IN THE STATE OF FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to Notice No. 652, dated August 27, 1940, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on September 16, 1940. Then and there appeared the following:

FOR APPLICANT: Leo P. Kitchen of the firm of Kitchen & Schwartz, Jacksonville, Florida.

FOR PROTESTANTS: Clifford T. Inglis and G. F. Tresher for St. Johns River Line Company, H. H. Simms for St. Andrews Bay Transportation Company & Atlanta & St. Andrews Bay Railroad Company, Martin Sack for Petroleum Corporation, McCarthy Crenshaw for Flamingo Truck Lines, Inc. and John M. Allison for Central Truck Lines and Hunt Truck Line.

2. Blue's Truck Line, Inc. of Jacksonville is the holder of a Contract Carrier Certificate of Public Convenience and Necessity authorizing the transportation of petroleum products for various oil companies. This application seeks extension of this authority to include hauling under a contract with the Southeastern Oil Company from Jacksonville, Tampa, Miami, Port Everglades, Sanford and St. Marks to all points in the State of Florida. Applicant has special equipment which it uses in this business designed to transport gasoline, kerosene and distillate oil in bulk. The application and the contract between the parties covers not only that handled in bulk but also what are called package goods—petroleum products in cans, drums and other small units—together with dealers' supplies and equipment such as tanks and pumps.

3. Protesting the application were common carrier truck lines whose principal objection was to allowing applicant to haul the package goods and dealers' supplies. It was not contended that the regular lines could handle the bulk movement and the Commission finds that public convenience and necessity require the granting of the application in so far as it applies to bulk tank quantities of petroleum products and filling station equipment belonging to the Southeastern Oil Company. It appears that existing transportation facilities are able to handle the package goods.

4. Protestants have filed a motion asking for an inquiry into all the certificate rights and operations of the applicant contending that many of applicant's contracts are no longer in force and that its original authority has been unlawfully extended from time to time. This motion will be taken under advisement and not disposed of in this proceeding.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Contract Carrier Certificate of Public Convenience and Necessity No. 111, held by Blue's Truck Line, Inc. be and the same is hereby extended to include the transporta-

tion of gasoline, kerosene and distillate oil in bulk tanks only, and filling station equipment belonging to the Southeastern Oil Company, under contract with the Southeastern Oil Company from Jacksonville, Tampa, Miami, Port Everglades, Sanford and St. Marks to all points in the State of Florida.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 14th day of November, 1940.

ORDER NO. 1381,

DOCKET NO. 533.

IN RE: APPLICATION OF TOM H. BLOWERS OF JACKSONVILLE, FLORIDA, FOR CONTRACT CARRIER CERTIFICATE TO HAUL PACKING HOUSE PRODUCTS OUT OF TAMPA FOR ARMOUR & COMPANY, CUDAHY PACKING COMPANY AND SWIFT & COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This matter coming on for further consideration by this Commission on petition for re-hearing filed herein by Central Truck Lines, Inc., D. E. Hunt, doing business as Hunt Truck Line, Tamiami Trail Tours, Inc., Flamingo Truck Lines, Inc., Great Southern Trucking Company, a corporation, St. Johns River Line Company, a corporation, and Fogarty Brothers Transfer Company, and the same having been fully considered:

It is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that said petition be and it is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 27th day of November, 1940.

ORDER NO. 1382,

DOCKET NO. 164.

IN RE: PETITION OF CERTAIN COMMON CARRIERS FOR CHANGES IN RULES 16 AND 17 OF THE RULES AND REGULATIONS OF THE COMMISSION GOVERNING AUTO TRANSPORTATION COMPANIES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. This matter came on for formal hearing before the Railroad Commission of the State of Florida in Tallahassee, Florida, on July 23, 1940, pursuant to Notice No. 642.

The following appeared:

A. Y. Milam, Jacksonville, Florida, for petitioners Great Southern Trucking Company and St. Johns River Line Company.

Clifford T. Inglis and John A. Bliss, Jacksonville, Florida, for St. Johns River Line Company.

C. D. Meitin, St. Augustine, Florida, for Florida East Coast Railway.

W. J. Oven, Tallahassee, Florida, for Seaboard Air Line Railway.

R. B. Warner, Wilmington, N. C., for Atlantic Coast Line Railroad Company.

J. R. Hunter, Tallahassee, Florida, for Railway Express Agency.

J. B. Knowles, Bradenton, Florida, for Fogarty Brothers.

John M. Allison, Tampa, Florida, for Central Truck Lines.

W. T. Wolfe, Jacksonville, Florida, for Flamingo Truck Lines, Inc.

McCarthy Crenshaw, Jacksonville, Florida, for Flamingo Truck Lines, Inc.

A. Pickens Coles, Tampa, Florida, for Tamiami Trail Tours, Inc., and Hunt's Truck Line.

2. Petitioners, Great Southern Trucking Company and St. Johns River Line Company, have proposed a reconsideration of Rules 16 and 17 governing the filing and changing of Time Schedules of common carrier truck lines. It is contended that the existing procedure is a burden upon the carriers and goes beyond the requirements of the law. The substance of the proposal of the petitioners is to permit additional schedules to be operated upon the mere filing of the same with the Commission without any hearing thereon. The rules at the present time do not provide any definite procedure to be followed for the approval of schedule changes but the commission has generally set all such matters for formal hearing because of the controversies that arise when any important schedule change is made without hearing or notice to other interested carriers.

3. The other common carrier truck lines did not agree with the proposal of the petitioners and a majority of them apparently opposed the plan to have the Commission approve new schedules without a hearing or notice to other carriers. Central Truck Lines, Inc., made a separate proposal that volume shipments be permitted off schedule and at the carrier's convenience.

4. The Commission has carefully considered this matter and the excellent briefs and arguments made by counsel for the respective parties,

and is of opinion that its procedure for approving schedule changes should be made definite and provide for expeditious handling of such matters but that the Commission cannot under the law, and it should not in the interest of proper regulation of the carriers under its jurisdiction, permit schedule changes to be made without notice to other carriers serving the territory involved and an opportunity for them to protest. Rule 17 will be amended by the addition of a paragraph providing a definite procedure to govern schedule changes including new schedules. Applications for any schedule change must be filed at least fifteen days prior to the proposed effective date thereof, and must show that a copy thereof has been mailed to other carriers serving the territory involved. Protests must be filed in writing within ten days, and at the end of such ten days' period the Commission will dispose of the matter as it thinks proper. It is hoped that this procedure will eliminate the necessity for most formal hearings on schedule changes and that the carriers will not file protests or demand formal hearings except in cases where the substantial rights are actually imperiled. The Commission may not hold a formal hearing in every case where a protest is filed, or a hearing requested, but will give thorough consideration to the merits of the protests filed, and will attempt to reconcile the differences between carriers without the delay and expense of formal hearing.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Rule 17 of the Rules and Regulations of this Commission Governing Auto Transportation Companies be and the same is hereby amended to read as follows:

"RULE 17. OPERATING SCHEDULES.

"(a) Schedules as filed with the Commission must be adhered to. No vehicle shall leave a terminal ahead of schedule time. In emergency a first section may be held not more than one hour after schedule time. Additional sections shall leave terminals not later than one hour after the preceding section. Additional sections shall not be operated so as to have the effect of creating a new schedule.

"(b) **PROCEDURE FOR APPROVAL OF SCHEDULE CHANGES.** No schedule shall be changed nor additional schedule operated without the approval of the Railroad Commission upon application made therefor. Such applications shall be filed at least fifteen (15) days prior to the effective date of the schedule changes proposed and shall be accompanied by a certificate showing service of a copy of the application on all other rail and motor common carriers serving the territory involved. Such applications must show clearly whether a new schedule is proposed or not, and when a change is proposed in an existing schedule the existing schedule must be set forth as well as the new one proposed. Protests to the granting of such an application must be made in writing within ten (10) days from the

filing of the application and may include a request for formal hearing thereon. After the application has been on file for ten (10) days the Commission will consider same together with any protests filed and either approve same as requested or with modifications, or set the matters involved down for formal hearing. After approval of an application ten (10) copies of the new schedules must be filed as provided in Rule 16."

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 18th day of December, 1940.

ORDER NO. 1383,

DOCKET NO. 787.

IN RE: APPLICATION OF ERWIN WENDY MEYER OF MIAMI, FLORIDA, FOR REGISTRATION OF INTERSTATE RIGHTS IN THE HAULING OF FRESH EGGS AND AGRICULTURAL COMMODITIES OVER IRREGULAR ROUTES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Erwin Wendy Meyer has filed his application for registration with this Commission of his rights to haul fresh eggs and agricultural commodities in interstate commerce. The applicant is not engaged in any intrastate hauling.

2. The Commission has made a thorough investigation of the operations of this carrier and it appears that he is engaged in hauling agricultural commodities from the Dade County area in South Florida to points north of Florida. This northbound hauling of farm products, mainly fruits and vegetables, does not fall within any of the exemptions in Section 30 of Chapter 14,764, Acts of 1931, as amended. On his southbound trips into Florida the applicant hauls fresh eggs from various points up north to various points in central Florida and to points in and around Tampa and Miami. This southbound operation likewise is not exempt under our laws. It appears, however, that much, if not all, of the applicant's hauling is exempt under the Federal Motor Carrier Act. His interstate rights are in the process of determination by the Interstate Commerce Commission. The application seeks to place under the jurisdiction of this Commission all of the hauling performed by the applicant for the purpose of the enforcement of the mileage tax and the police and safety regulations applicable to interstate carriers.

3. Applicant is entitled to some form of authority from this Commission since he is engaged exclusively in interstate commerce, regardless of whether it is finally determined that he operations are subject to

the Federal law or not. The applicant will be required to keep this Commission informed of all decisions of the Interstate Commerce Commission affecting his interstate rights in the State of Florida.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Erwin Wendy Meyer of Miami, Florida, for a Certificate of Registration authorizing the transportation in interstate commerce only of fresh eggs and agricultural commodities between points in South Florida and points north of Florida, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 27th day of December, 1940.

ORDER NO. 1384.

DOCKET NO. 100-1.

IN RE: APPLICATION OF CENTRAL TRUCK LINES, INC., OF TAMPA, FLORIDA, FOR APPROVAL OF A NEW SCHEDULE KNOWN AS TIME TABLE 4, SCHEDULE NO. 25, BETWEEN JACKSONVILLE AND TAMPA, FLORIDA.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Pursuant to the provisions of amended Rule 17 of the Rules and Regulations governing motor transportation, Central Truck Lines, Inc., on December 31, 1940, filed with this Commission ten (10) copies of proposed new schedule to be known as Time Table 4, Schedule No. 25 to become effective January 15, 1941, together with a certificate showing service of a copy of such application and of the proposed new schedule on all rail and motor common carriers serving the territory involved.

2. No protest to the granting of such application has been filed with this Commission.

3. The Commission has considered this new schedule and is of opinion that the same should be approved.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that Time Table No. 4, Schedule No. 25 of CENTRAL TRUCK LINES, INC., being a new schedule between Jacksonville and Tampa, a copy of which is hereto attached and made a part of this Order BE and the same is hereby APPROVED for operation effective January 15, 1941.

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its office in the City of Tallahassee this fifteenth day of January, 1941.

ORDER NO. 1385,

DOCKET NO. 164.

IN RE: APPLICATION OF CERTAIN FOR HIRE CARRIERS TO AMEND SECTION 3 OF RULE NO. 6 OF THE RULES AND REGULATIONS OF THE COMMISSION GOVERNING AUTO TRANSPORTATION COMPANIES.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

1. Section No. 3 of Rule No. 6 of the Rules and Regulations of this Commission governing FOR HIRE CARRIERS provides:

(3) A deposit of fifteen (\$15.00) dollars will be required as to each of the first and second vehicles authorized under such permit and of ten (\$10.00) dollars for each additional vehicle to secure payment of compensatory mileage tax provided by law.

2. The Commission has found from experience that many of the taxi cab companies and other "for hire" carriers who qualify under the law are required to make deposits of large sums of money when the average monthly mileage tax paid by such carriers is small, and the Commission is of opinion that the present deposit required by paragraph No. 3 of Rule No. 6 of the Rules and Regulations of the Commission is excessive and should be changed.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that Rule No. 6 of the Rules and Regulations governing the transportation of persons and properties for compensation BE and the same is hereby AMENDED to read as follows:

"RULE 6. "For Hire" Carriers. "For Hire" carriers are defined by law to include all motor vehicles or trailers hauled by a motor vehicle in use for transporting persons, commodities or materials for compensation other than those carriers who may be classed as Contract Carriers or Common Carriers, and also includes motor vehicles let or rented to another for consideration.

Application for "For Hire" permits under the provisions of Chapter 14,764 shall contain all of the detailed information prescribed in Section 5 of that Act.

For the purpose of investigating the type of carriage proposed and establishing the proper classification thereof the Commission may docket such applications and require the applicant to furnish evidence in support of the application and in reference to the proposed service, the territory involved, the class of carriage proposed and data respecting the motor vehicles to be used in such service, and

where necessary to have a hearing for receiving such evidence, the Commission will furnish notice of such hearing to all interested transportation facilities serving the immediate territory involved.

Such permits will be granted as a matter of right and of course subject to the provisions of law and the rules and regulations of the Commission provided the application and the proposed service meet the following general requirements:

(1) The service proposed must be in fact and in law "for hire" carriage and not subject to classification as either contract carriage or common carriage.

(2) The type, weight and size of motor vehicles proposed for such service must conform with the provisions of law, the regulations of the State Road Department and of the Commission touching motor vehicle operation over the State highways involved in the proposed carriage.

(3) A deposit of \$15.00 will be required as to each of the first and second vehicles authorized under such permit and of \$1.00 for each additional vehicle to secure payment of compensatory mileage tax provided by law.

(4) Applicant must be a duly licensed "for hire" carrier in the city or town where headquarters of such applicant are maintained, and the carriage desired must be incidental to such "for hire" business, and must not be over definite routes or between fixed termini in recurring carriage.

(5) Insurance or bond must be furnished protecting persons or passengers carried and the public against injury growing out of the operation of the authorized motor vehicles on the public highways.

All Permits relating to "for hire" carriage and copy of the Commission's Order granting such Permit shall be maintained on file and subject to regular inspection in the designated headquarters office of such permit holder.

The motor vehicles listed in the application and authorized to be operated will not be described in the Permit, but a card will be issued for each separate motor vehicle to be operated under such Permit describing in detail such motor vehicle and carrying the general Permit number under which the motor vehicle is operated. This card must be posted in a conspicuous place in the motor vehicle described thereon.

If the application, or the testimony adduced in support thereof, discloses the proposed service to be in fact or in law either contract carriage or common carriage the application will be denied without prejudice to

the rights of the applicant to immediately thereafter or subsequently file amended application seeking a Certificate of Public Convenience and Necessity for such contract or common carriage.

Such Permit shall be subject to suspension or revocation at any time by the Commission upon hearing when it shall appear that the holder thereof has failed to keep records as prescribed by the Commission or by the Comptroller, to keep mileage reports, to pay mileage taxes and to comply with the laws of the State touching motor vehicle operations or with the rules and regulations of the Commission as to the operation of such vehicles.

Permit carriers of passengers shall not solicit by advertisement the transportation of passengers between definite points, but may advertise that they are authorized by the Railroad Commission to make occasional trips to various points in the State as a "For Hire" auto transportation company."

DONE and ORDERED by the Railroad Commission of the State of Florida in session in its office in the City of Tallahassee, Florida this eleventh day of January, 1941.

ORDER NO. 1386,

DOCKET NO. 747.

IN RE: APPLICATION OF FLAMINGO TRUCK LINES, INC., JACKSONVILLE, FLORIDA, FOR AUTHORITY TO USE STATE ROAD NO. 149 BETWEEN MIAMI AND DEERFIELD AND STATE ROAD NO. 200 BETWEEN DELRAY AND WEST PALM BEACH, FLORIDA IN ORDER TO AVOID TOURIST TRAFFIC ON STATE ROAD NO. 4.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This matter came on before the Railroad Commission upon the application of Flamingo Truck Lines, Inc., to use State Road No. 149 and State Road No. 200 as an alternate route between Miami and West Palm Beach in order to avoid the traffic on State Road No. 4 between these points and it appearing to the commission that Flamingo Truck Lines, Inc., has authority to use State Road No. 4 between Miami and West Palm Beach and that the traffic on same road during the tourist season is heavy and that it would be in the interest of the public to permit the use of this alternate route:

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that FLAMINGO TRUCK LINES, INC., of Jacksonville, Florida, be and it is hereby AUTHORIZED

to use State Road No. 149 between Miami and Deerfield and State Road No. 200 between Deerfield and West Palm Beach as an alternate route in order to avoid the heavy traffic on State Road No. 4 during the tourist season.

DONE and Ordered by the Railroad Commission of the State of Florida in session in its office in the City of Tallahassee this fourteenth day of January, 1941.

ORDER NO. 1387,

DOCKET NO. 100-13.

IN RE: APPLICATION OF TAMIAMI TRAIL TOURS, INC., Tampa, FLORIDA, FOR AUTHORITY TO USE STATE ROAD NO. 149 BETWEEN MIAMI AND DEERFIELD AND STATE ROAD NO. 200 BETWEEN DELRAY AND WEST PALM BEACH, FLORIDA, IN ORDER TO AVOID TOURIST TRAFFIC ON STATE ROAD NO. 4.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This matter came on before the Railroad Commission upon the application of Tamiami Trail Tours, Inc., to use State Road No. 149 and State Road No. 200 as an alternate route between Miami and West Palm Beach in order to avoid the traffic on State Road No. 4 between these points and it appearing to the Commission that Tamiami Trail Tours, Inc., has authority to use State Road No. 4 between Miami and West Palm Beach and that the traffic on same road during the tourist season is heavy and that it would be in the interest of the public to permit the use of this alternate route:

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that TAMIAMI TRAIL TOURS, INC., of Tampa, Florida, be and it is hereby authorized to use State Road No. 149 between Miami and Deerfield and State Road No. 200 between Deerfield and West Palm Beach as an alternate route in order to avoid the heavy traffic on State Road No. 4 during the tourist season.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee this twenty-second day of January, 1941.

ORDER NO. 1388,

DOCKET NO. 363.

IN RE: APPLICATION OF GREAT SOUTHERN TRUCKING COMPANY, JACKSONVILLE, FLORIDA, FOR AUTHORITY TO USE STATE ROAD NO. 149 BETWEEN MIAMI AND DEERFIELD AND STATE ROAD NO. 200 BETWEEN DELRAY AND WEST PALM BEACH, FLORIDA, IN ORDER TO AVOID TOURIST TRAFFIC ON STATE ROAD NO. 4.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

This matter came on before the Railroad Commission upon the application of Great Southern Trucking Company to use State Road No. 149 and State Road No. 200 as an alternate route between Miami and West Palm Beach in order to avoid the traffic on State Road No. 4 between these points and it appearing to the Commission that Great Southern Trucking Company has authority to use State Road No. 4 between Miami and West Palm Beach and that the traffic on same road during the tourist season is heavy and that it would be in the interest of the public to permit the use of this alternate route:

WHEREFORE, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that GREAT SOUTHERN TRUCKING COMPANY of Jacksonville, Florida, be and it is hereby AUTHORIZED to use State Road No. 149 between Miami and Deerfield and State Road No. 200 between Deerfield and West Palm Beach as an alternate route in order to avoid the heavy traffic on State Road No. 4 during the tourist season.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session in its office in the City of Tallahassee this twenty-second day of January, 1941.

ORDER NO. 1389,

DOCKET NO. 100-66.

IN RE: APPLICATION OF BLUE'S TRUCK LINE, INC., JACKSONVILLE, FLORIDA, FOR EXTENSION OF ITS CONTRACT CARRIER CERTIFICATE NO. 111 TO TRANSPORT UNDER CONTRACT FOR SOUTHEASTERN OIL COMPANY.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
ON PETITION FOR MODIFICATION OF ORDER NO. 1380

This application was heard by the Railroad Commission and Order No. 1380 dated November 14, 1940, was entered extending the authority

of Blue's Truck Line, Inc., under its Contract Carrier Certificate of Public Convenience and Necessity No. 111 as follows:

"* * * to include the transportation of gasoline, kerosene and distillate oil in bulk tanks only, and filling station equipment belonging to the Southeastern Oil Company, under contract with the Southeastern Oil Company from Jacksonville, Tampa, Miami, Port Everglades, Sanford and St. Marks to all points in the State of Florida".

After the entry of Order No. 1380, St. Johns River Line Company and Flamingo Truck Lines, Inc., who were protestants to the application, filed a motion for reconsideration and modification of Order No. 1380 for the purpose of eliminating the provision authorizing the transportation of filling station equipment belonging to the Southeastern Oil Company. This motion came on for formal hearing pursuant to Notice No. 659 in Jacksonville, Florida, on January 20, 1941. At this hearing it appeared that the applicant had consented to the modification of its authority under Order No. 1380 in accordance with the petition of the protestants and the Commission finds that the right to haul filling station equipment belonging to the Southeastern Oil Company should be eliminated from the authority of Blue's Truck Line, Inc.

WHEREFORE, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the authority of Blue's Truck Line, Inc., to haul under contract with the Southeastern Oil Company as stated in Order No. 1380, dated November 14, 1940, be amended to read as follows:

"that Contract Carrier Certificate of Public Convenience and necessity No. 111, held by Blue's Truck Line, Inc., be and the same is hereby extended to include the transportation of gasoline, kerosene and distillate oil in bulk tanks only under contract with the Southeastern Oil Company from Jacksonville, Tampa, Miami, Port Everglades, Sanford and St. Marks to all points in the State of Florida".

DONE AND ORDERED by the Railroad Commission of the State of Florida in open session at the Seminole Hotel in the City of Jacksonville, Florida, this 20th day of January, 1941.

**Report of
Special Counsel**

REPORT OF SPECIAL COUNSEL TO THE FLORIDA RAILROAD COMMISSION FOR THE YEAR 1940

Counsel for the Railroad Commission employed under the provision of Section 6733 of the Compiled General Laws of Florida, submits the following report for the year 1940.

INTERSTATE COMMERCE CASES

1. Class Rates Within Southern Territory.

On October 1, 1936, the Florida Railroad Commission filed its petition praying the Interstate Commerce Commission to institute an investigation into the Class Rates within Southern Territory, and that an order be issued requiring the establishment of just and reasonable class rates within said territory.

This petition was supplemental to a petition filed by the Joint Conference of Southern State Commissioners and Shippers of which the Florida Railroad Commission is a member.

The present Class Freight rates applicable in Southern territory are the result of investigation and decision of the Interstate Commerce Commission in Southern Class Rate Investigation, Docket No. 13494, and shown in both the original and supplemental reports of the Interstate Commerce Commission and cited and reported in 100 I. C. C. 513; 109 I. C. C. 300; 113 I. C. C. 200 and 128 I. C. C. 567.

This investigation was commenced in 1920 and occupied several years during which economic conditions were unusual and the country was enjoying a period of prosperity greater than has existed since the rates became effective, and prices of commodities at that time were upon a much higher level than at the present time.

Southern territory, as the term was used in the original report in Southern Class Rate Investigation (100 I. C. C. 513), was stated to be roughly the territory east of the Mississippi River and south of the Ohio River and the line of the Norfolk and Western from Bristol, Tennessee-Virginia, to Norfolk, Virginia. It did not include the east corner of Kentucky served by the Chesapeake & Ohio.

For the purpose of the instant proceeding the Interstate Commerce Commission was asked to define Southern territory as:

"that territory beginning at Norfolk, Virginia, (including Newport News, Virginia, and other points in the Hampton Roads area) then following in line of the Virginia Railway to Roanoke, Virginia; the line of the Norfolk & Western Railway to Kenova,

West Virginia (including St. Paul, Virginia, and Bristol, - plicitly what broadening is desired and why, or giving reasons why it should not be broadened but confined within the limits above indicated."

This Commission filed its statement with the Interstate Commerce Commission prior to December 12, 1936, and contended that the issues should not be broadened but should be confined within the limits indicated in its petition.

Further proceedings in this matter were postponed for a time but preparations are now being made for a full investigation into the reasonableness of the Class Rates within Southern Territory.

GANDY BRIDGE CASE
ORDER REDUCED TOLLS AND CHARGES OVER GANDY BRIDGE
ENTERED JUNE 20, 1940.

The Railroad Commission on its own motion instituted an investigation of the tolls and charges over the Gandy Bridge and Notice Number 760, dated October 3, 1939 was issued for "investigation of the tolls and charges now in effect and charged by Gandy Bridge Company over the Gandy Bridge, and if such tolls and charges are found to be unjust and unreasonable to fix and prescribe just and reasonable tolls and charges for the future and to hear and consider such other matters as may properly come before it".

Pursuant to this Notice, public hearings were held in the auditorium of the Chamber of Commerce in Tampa, November 6, 1939 through November 10, 1939 and in the Hearing Room of the Commission in the Supreme Court Building in Tallahassee on January 16 and 17, 1940.

The record in this proceeding consists of eight (8) typewritten volumes containing nine hundred thirty-four (934) pages of testimony and fifty (50) exhibits. The Railroad Commission, the Respondent and those representing civic and business interest seeking toll reductions, all produced witnesses and expert testimony.

The Gandy Bridge is a structure consisting of a bridge with fills at each end and extending across Old Tampa Bay for a distance of approximately five and one-half (5½) miles. It connects the shores of Hillsboro and Pinellas Counties and forms the main link in the highway between the cities of Tampa and St. Petersburg. The fill or approach on the East side is approximately five thousand one hundred eighty (5,180") feet long and on the West side about nine thousand seven hundred (9,700") feet long. These fills are protected by reinforced concrete set piles and rip-rap. The bridge proper is a reinforced

concrete structure about thirteen thousand six hundred thirty (13,630") feet long including a double leaf bascule draw bridge near the East end which affords a clear opening seventy-five (75") feet wide over a navigable channel. Construction of the bridge was started in September 1922 and it was open for traffic on November 19, 1924. The Tampa and St. Petersburg Railroad Company was the original company formed to build an interurban line between Tampa and St. Petersburg and this company acquired the property and franchises necessary to construct the bridge. Chapter 7601, Laws of Florida, Special Acts of 1917 provided for the granting of a right-of-way across Tampa Bay or Old Tampa Bay to any railway company that would construct a line between Tampa and St. Petersburg.

The construction contract was entered into between Gandy Bridge Company and the Bay Construction Company on June 1, 1923 and called for the approaches, toll houses, paved causeway, concrete bridge, bascule draw bridge and all their several appurtenances to be built in accordance with agreed plans and specifications. Gandy Bridge Company at that time was the holding company, holding all the stock of the Tampa and St. Petersburg Railway Company.

The Tampa and St. Petersburg Railway Company bought the bridge from Gandy Bridge Company upon completion of the construction and changed its name in 1925 to Tampa and St. Petersburg Bridge Company and operated the bridge until February 1, 1930 when Gandy Bridge Company became the operating company and has been since that time.

There has been numerous rate hearings held to fix the tolls and charges of the Gandy Bridge but none have ever been as complete as this one.

The tolls and charges in effect on the Gandy Bridge prior to this investigation were as follows:

Automobile and Driver	55c, plus 10c per passenger
Motorbus and Driver	75c, plus 10c per passenger
Motor Truck and Driver	60c, plus 10c per 1,100 lbs. or fraction thereof, in excess of 6,000 lbs. gross weight; plus 10c per passenger
Trailer and One Passenger. If total wheel-base of Vehicle and Trailer exceeds 18 feet	60c, plus 10c per 1,000 lbs. or fraction thereof, in excess of 6,000 lbs. gross weight; plus 10c per passenger
Motorcycle and Driver	25c, plus 10c per passenger
Bicycle and Rider	10c, plus 10c per passenger
Double Team & Driver	50c, plus 10c per passenger

Single Team & Driver	50c, plus 10c per passenger
Horse and Rider	25c, plus 10c per passenger
Loose Driven Cattle, Horses	20c per head

After thoroughly considering all the evidence introduced in this proceeding the following schedule of tolls, rates and charges to be charged by the Gandy Bridge Company over the Gandy Bridge were prescribed by the Commission and are now in effect, to-wit:

Automobile & Driver	35c, plus 5c per passenger
Motor-bus & Driver	75c, plus 5c per passenger
Motor Truck & Driver	50c, plus 10c per 1,000 lbs. or
any number of axles, but	fraction thereof, in excess of
with wheel-base not exceed-	5,000 lbs. gross weight; plus
ing 18 feet	5c per passenger
Trailer & One Passenger. If	50c, plus 10c per 1,000 lbs. or
total wheel-base of Vehicle	fraction thereof, in excess of
and Trailer exceeds 18 feet	5,000 lbs. gross weight; plus
	5c per passenger.
Motorcycle & Driver	20c, plus 5c per passenger
Bicycle & Rider	5c, plus 5c per passenger
Double Team & Driver	35c, plus 5c per passenger
Single Team & Driver	35c, plus 5c per passenger
Horse and Rider	20c, plus 5c per passenger
Loose Driven Cattle, Horses	15c per head

This rate adjustment resulted in a substantial reduction in the tolls and charges for the use of Gandy Bridge and will be of benefit to the users of the bridge and the Commission is of opinion will result in increased revenue to the Bridge Company.

LAW CASES

1. **L. & L. Freight Lines, Inc., vs. Railroad Commission.** Circuit Court Second Judicial Circuit of Florida for Leon County. Judge Love. Injunction.

On March 31, 1936 bill of complaint was filed by L. & L. Freight Lines, Inc., against the Railroad Commission of the State of Florida in the Second Judicial Circuit in and for Leon County before Hon. E. C. Love, one of the Judges of said Circuit Court, seeking an injunction to prevent the arrest of its drivers and any interference with the operation of its trucks so long as they were engaged in interstate commerce.

Answer of defendants was filed and the matter was fully argued before the Judge of said Court, and on April 4, 1936 an order was entered denying the application for temporary restraining order with prejudice

to plaintiff filing amendment to its bill of complaint and renewing its application for temporary restraining order. Thereupon amendment to bill of complaint was filed on April 15, 1936 and answer to amendment to bill of complaint was filed by defendants on same date, and the matter was fully argued before the Judge of said Court who entered his order on the same date denying said temporary restraining order.

In this proceeding all of the orders of the Interstate Commerce Commission extending the effective date of the Federal Motor Carrier Act of 1935 from October 1st to 15th, 1935 were fully argued, the plaintiff claiming a Federal right to operate under said order over the highways of the State, and defendants claiming that the order of September 30, 1935, extending the effective date of said Act, had been properly construed by Judge A. V. Long of the Federal District Court as a mere administrative order made for the purpose of permitting those who were then operating further time within which to file their applications, and did no confer further rights upon carriers who were not operating prior to October 1, 1935. That if said order was construed as conferring rights upon carriers not engaged in interstate commerce on October 1, 1935, the effective date of the order, the matter would be legislative and not administrative, and any attempt to confer this power upon the Interstate Commerce Commission would be an unconstitutional delegation of power and would render Section 227 of the Federal Motor Carrier Act of 1935 void.

The Judge of the Circuit Court, in his order denying said temporary restraining order, said:

"* * * and it appearing to the Court that the legal principles involved in said application for temporary restraining order have heretofore been passed upon and decided adversely to the complainant's contention in a case involving the same parties before the United States District Court for the Northern District of Florida, and also before Hon. John B. Johnson, one of the judges of the Circuit Court for the Second Judicial Circuit of Florida; and further that such opinions emanating from said Courts are sufficient to generate at least a doubt as to the legal rights of complainant to engage in interstate commerce traffic on the highways of the State of Florida, and along the routes proposed by said complainant."

Thereupon, L. & L. Freight Lines, Inc., took an appeal to the Supreme Court of Florida from the interlocutory order denying application for restraining order entered by the Judge of the Circuit Court on April 15, 1936, and applied for constitutional writ in aid of and incidental to the appeal.

On May 20, 1936 the Supreme Court, by virtue of the power conferred on it by Section 5 of Article V of the Constitution of the State to "issue all writs necessary or proper to the complete exercise of its jurisdiction," granted a modified constitutional writ of injunction pending final hearing on this appeal.

This cause was fully briefed and argued before the Supreme Court of Florida, and on June 26, 1936 the Supreme Court dissolved the constitutional writ entered by it and affirmed the order of the lower Court denying the temporary restraining order. Rehearing was denied on July 16, 1936 and the constitutional writ was dissolved.

The Court in this case held in effect that Congress vested in the Interstate Commerce Commission, by the passage of the Federal Motor Carrier Act 1935, the ultimate authority to investigate and decide which motor carriers have brought themselves within the scope of the protective provisions of the Act insofar as the Federal statute or particular operations appear to be in controversy and require decision upon such statute as a condition to carrier's continuance of operation in interstate commerce. The Court also held that pending findings of fact by the Interstate Commerce Commission on the issue involved in an application for Certificate of Public Convenience and Necessity it is the duty of the State and Federal Courts to protect by injunctive relief temporary benefits conferred by the Act.

L. & L. FREIGHT LINES vs. DOUGLAS, 169 SO. 370; 124 FLA. 696.

Plaintiff, L. & L. Freight Lines, thereupon filed its second amendment to its bill of complaint stating that its application before the Interstate Commerce Commission for a Certificate of Public Convenience and Necessity was being advanced and an early hearing would be had on the same, and alleging that it was the purpose of the inspectors of the Railroad Commission to arrest plaintiff's drivers and attempt to stop the movement of its motor vehicles in interstate commerce, and the Judge of the Circuit Court, without notice to defendants, entered an order dated July 27, 1936 granting a temporary restraining order in this matter.

This matter is now on final hearing and testimony has been taken of some witnesses but not yet completed.

Hearing before the Interstate Commerce Commission was held at Tallahassee, Florida, beginning September 28, 1936 and concluded October 8, 1936.

On June 14, 1937 Examiner W. W. McCaslin made his report and proposed order recommending the denial of this service between Atlanta, Georgia, and Tampa, Florida, and favored the granting of the application for service in interstate commerce between Atlanta, Georgia, and

Tallahassee, Florida, via Americus, Albany, and Thomasville, and also between Tallahassee and Live Oak, Florida, and also between Tallahassee and Marianna, Florida.

Exceptions were filed to this order and argument has been had before the Commission but no order has as yet been entered.

2. State ex rel Five Transportation Company et al., vs. J. M. Lee as Comptroller of the State of Florida—Before the Supreme Court. Mandamus.

On August 17, 1937 certain common and contract carriers by motor vehicle filed their petition for Writ of Mandamus against Mr. Lee as Comptroller to compel him to accept the mileage taxes tendered by the relators covering the miles traveled "for compensation." The purpose of this suit was to have the Supreme Court construe that part of Chapter 18026, Acts of 1937, which applied to the method of payment of the mileage taxes. The old Act provided for the payment of mileage taxes

"for every mile traveled by the motor vehicles of such auto transportation company over the public highways of this State", and the new Act provided

"for every mile traveled **for compensation** by the motor vehicles of such auto transportation company over the public highways of this State."

Counsel for the Railroad Commission represented Mr. Lee, the respondent herein.

On October 4, 1937 counsel for respondent filed a Motion to Quash the Petition and also filed an Answer and Return to the Petition for Writ of Mandamus.

This matter was briefed and argued before the Court and on January 5, 1938, the Court entered its opinion granting the Motion to Quash the Alternative Writ. (132 Fla. 183; 181 So. 179.)

On April 28, 1938, on petition for rehearing, the Court granted said petition on the theory that a demurrer to the answer and return of respondent being on file when the Motion to Quash was granted the order granting the Motion and quashing the Alternative Writ should be vacated and the relators given twenty days in which to file such plea as they desired.

Relators thereupon filed a joinder of issue and the Court appointed a Commissioner to take testimony.

Testimony in the case was taken before the Commissioner and reported to the Court. Briefs were filed by both parties and the matter was orally argued before the Court.

On July 25th, 1939, the Court entered its opinion holding that the allegations of the answer were sufficient and supported by the evidence taken and on authority of its former opinion the Alternative Writ was quashed. (..... Fla.; 191 So. 10).

In its former opinion the Court held that the mileage tax levied by the statute upon auto transportation companies is a license tax imposed upon the business of transportation for compensation on public roads of the State. Where trucks are operated over routes and upon schedules and applying rates approved by the Railroad Commission such trucks are used in the business of transportation for compensation within the statute imposing mileage taxes for every mile traveled for compensation by motor vehicles regardless of whether the trucks carried a full load, a part load, or no load.

The two opinions filed in this case are reported as follows:

132 Fla. 183; 181 So. 179.

..... Fla.; 191 So. 10

3. **State ex rel National Trucking Company vs. J. M. Lee as Comptroller of the State of Florida. Supreme Court of Florida. Mandamus.**

This is a mileage tax case similar to the above mentioned cause of Five Transportation Company et al., and similar proceedings have been had in it.

The principal difference between this case and the Five Transportation Company case is that the relator in this case is a contract carrier while the relators in the other case were both common and contract carriers.

In its first opinion (132 Fla. 533; 181 So. 182) the Court held that although the Railroad Commission does not establish either routes or schedules for contract carriers it does require the carrier to file its rates for the approval of the Commission. It further held that when a contract carrier contracts to convey merchandise from one point to another he must necessarily when figuring the prices and terms of his contract take into consideration the fact that his motor vehicles will in all probability carry a load but one way and the expense of the one way empty must be included as a part of the basis upon which his compensation is fixed.

Upon rehearing on the evidence taken by the Court commissioner the Court in its opinion held that the Railroad Commission although

not authorized by statute to fix rates of contract carriers may require contract carriers to submit their rates to the Commission for its approval.

Alternative Writ of Mandamus quashed. (191 So. 17)

Rehearing denied on September 25th, 1939.

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4. **J. H. Wimberly, Trading and Doing Business as Wimberly Transfer Company, vs. Florida Railroad Commission. Circuit Court, Duval County, Florida. Injunction.**

On June 26, 1937, J. H. Wimberly doing business as Wimberly Transfer Company filed his Bill of Complaint in the Circuit Court for Duval County, Florida against the members of the Railroad Commission and its Inspectors seeking an injunction to restrain interference with the operation of his motor trucks in hauling for compensation in interstate commerce between points in Georgia and into Jacksonville, Florida. Plaintiff alleged that he was engaged in interstate commerce prior to June 1, 1935, had filed a proper application for a Certificate of Public Convenience and Necessity before the Interstate Commerce Commission, and was entitled to "Grandfather" rights under the Federal Motor Carrier Act of 1935; and that, therefore, he was entitled to operate as a matter of right in Florida until such time as his rights under the Federal Motor Carrier Act could be determined by the Interstate Commerce Commission.

A Preliminary Restraining Order was entered upon the filing of the Bill, enjoining and restraining the members of the Railroad Commission and their Inspectors from interfering with the operations of the Plaintiff so long as the same were conducted exclusively in interstate commerce and not in conflict with the tax laws of the State of Florida or the laws with respect to the length, width, size, and weight of motor vehicles.

On July 2, 1937, the Railroad Commission filed its Motion to Dismiss the Bill, Motion to dissolve the Injunction, and its answer alleging that the Plaintiff was not entitled to "Grandfather" rights under the Federal Motor Carrier Act because it was not in bona fide operation on or before June 1, 1935, since it had never made application to or received from the Florida Railroad Commission any authority to engage in interstate commerce over the highways of this State and any operation that the Plaintiff had conducted prior to said date were in violation of the Laws of the State of Florida.

After hearing and argument by Counsel on July 24, the Circuit Judge entered an Injunction against the Florida Railroad Commission, holding that the alleged "Grandfather" rights of the Plaintiff were entitled to be protected until finally determined by the Interstate Commerce Commission.

No further proceedings have been had in this case and the same is pending the final outcome of the Interstate Commerce Commission Application of the Plaintiff.

5. Petroleum Carrier Corporation vs. Lee, Comptroller. Injunction, Circuit Court, Leon County, Fla.

This case involved questions similar to those decided by the Supreme Court of Florida in the cases of State ex rel Five Transportation Company vs. Lee and State ex rel National Trucking Company vs. Lee. (See—Cases Nos. 2 and 3 reported above)

The Petroleum Carrier Corporation, engaged in the transportation of petroleum products as a private contract carrier between certain points in Georgia and Florida, filed its bill of complaint on May 4, 1939 in the Circuit Court for Leon County, Florida, and on the same date secured a temporary injunction against the Comptroller of the State of Florida restraining him from demanding mileage taxes required to be paid under the Motor Transportation Act for vehicles operated empty and carrying no pay load. The injunction also provided that the payment of the disputed empty mileage tax should be paid into the registry of the Court to be held pending the outcome of the case. The bill of complaint was predicated on the theory that the laws of this State did not require the payment of the tax on empty movements, and also on the theory that the collection of the taxes on the empty movement of interstate vehicles was an unlawful burden on interstate commerce.

Motion to dismiss the bill of complaint was filed by counsel for the Railroad Commission, and on December 18, 1939, this motion was orally argued before Circuit Judge J. B. Johnson. The motion was granted and the case was dismissed on the authority of the Five Transportation Company and National Trucking Company cases cited above, and on the further ground that the interstate transportation was subject to the mileage tax on empty movements the same as that moving interstate.

The foregoing is a brief resume of the more important cases participated in and handled by your counsel before the Interstate Commerce Commission and the law Courts. This report gives no consideration to the many hearings before the Commission which counsel attend, nor to the volume of correspondence incident to their duties, nor to the number of opinions they are called upon to render and write upon various phrases of the regulatory law.

For the convenience of the Commission, and of those who appear before it in various cases an appendix is attached hereto listing the

more important cases in which the motor vehicles statute has been construed by the Courts with a short statement of the holding of the Courts in each case.

Respectfully submitted,

THEO. T. TURNBULL,

Counsel.

WM. P. SIMMONS, JR.,

Assistant Counsel.

APPENDIX TO REPORT OF SPECIAL COUNSEL
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Cahoon vs. Smith, 99 Fla. 1174; 128 So. 632. Decided May 21, 1930.

Smith, the owner and operator of two motor vehicles used to transport goods under private contract for compensation on the public highways between fixed termini and over regular routes, was arrested for failure to apply and secure a Certificate of Public Convenience and Necessity and conform to the other requirements of Chapter 13, 700, Acts of 1929. He brought habeas corpus and the circuit Court for Duval County held the Act unconstitutional as applied to such carriers. This was reversed on appeal, the Supreme Court holding:

1. Chapter 13,700, Acts of 1929, not invalid as to title.
2. The mileage tax imposed, not invalid because a "toll" for the use of public highways, but is a valid "license" upon the business of transporting for compensation. (Sec. 14, Ch. 13, 700, Acts of 1929.)
3. The exemptions in the Act are not arbitrary, unreasonable, or unlawfully discriminatory. (Id. Sec. 1.)
4. The Act does not require private carriers to assume common carrier functions and liabilities, the provisions applicable to private carriers for compensation are separable. (Id.)

(This case reversed by the Supreme Court of the United States. See *Smith vs. Cahoon* below.)

Smith vs. Cahoon, 283 U. S. 555; 75 L. Ed. 1264. Decided May 25, 1931.

Appeal from the decision of the Supreme Court of Florida in the case of *Cahoon vs. Smith*, 99 Fla. 1174, 128 So. 632, which upheld the constitutionality of Chapter 13,700, Laws of Florida, Acts of 1929, as applied to private contract carriers for compensation. **HELD:** Florida Supreme Court reversed; statute invalid as to applicant:

1. The statute purports to require such private carriers to assume the duties and liabilities of common carriers, there being no distinction between the two on the face of this statute and the imposition of such obligations on private carriers being beyond the power of the State. (Ch. 13,700, Acts of 1929.)
2. The statute is void for uncertainty because not expressly distinguishing the provisions legally applicable to private carriers from those applicable to common carriers. (Id.)
3. The Act is void because of discrimination in favor of certain private carriers who are exempted, (as against others engaged in like transportation) the classification not being based on anything related to public safety on the highway. (Id.)

Florida Motor Lines vs. Railroad Commissioners, 100 Fla. 538; 129 So. 876. Decided August 4, 1930.

After hearing, Commission granted Georgia-Florida Motor Lines authority to substitute four 25-passenger busses for the five 7-passenger sedans it had been operating under its "grandfather" certificate. Florida Motor Lines objected on the ground that it was operating in the territory involved (Jacksonville to Miami) and was allowed under its certificate sufficient equipment to take care of twice the number of passengers using bus service, and no public convenience and necessity had been shown by applicant. Relief is sought by certiorari.

HELD: Order of Commission quashed:

1. Under Chapter 13,700, Acts of 1929, application for substitution of busses as here was in nature of application for new service, and others already rendering similar service should be considered, and the law contemplates consideration of their rights and privilege where they will be materially injured. Commission did not give due consideration to the statutory privileges of petitioner or to the rights of the public to exclude unnecessary vehicles from operating for hire over the highways. (Sec. 3, Ch. 13,700, Acts of 1929.)

2. Writ of certiorari is proper method of appeal from quasijudicial or judicial orders of Railroad Commission, the ultimate adjudication being to quash the judgment or order reviewed or to quash the writ of certiorari.

3. Administrative, ministerial and judicial functions of Railroad Commission upheld as constitutional and not being among those "powers of government" which must be separately administered by the three main departments.

Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1027, 130 So. 587. Decided October 28, 1930.

Commission granted Union Bus Company authority to inaugurate night schedule between Jacksonville and Marianna without considering the effect on existing rail service. The Railway company brings certiorari.

HELD: Order of Commission quashed because due consideration not given to existing rail service.

1. The provision in Chapter 13,700, Acts of 1929, providing that in granting an application for a certificate the Commission "may take into consideration" certain elements including the effect it may have "upon other transportation facilities within the territory" means such consideration **MUST** be given since the proceedings are for the public benefit,

and rail service is among the facilities to be considered. (Sec. 3, Ch. 13,700, Acts of 1929.)

2. The word "necessity" as used in the statute does not mean an absolute and indispensable necessity, but one reasonably necessary to meet the public needs. Public convenience and necessity must to a large extent depend on facts of each case. (Id. Sec. 2.)

3. Certiorari is the proper remedy (Citing Fla. Motor Lines vs. Railroad Commissioners, 100 Fla. 538; 129 So. 876.)

In re Edwards, 100 Fla. 989; 130 So. 615. Decided October 22, 1930.

About a year after April 19, 1929 ("Grandfather date" in Chapter 13,700, Acts of 1929) Edwards applied for and was denied by the Commission a certificate, claimed as a matter of right, to operate a truck service between Haines City and Orlando. On certiorari to review Commission order.

HELD: Certiorari denied:

1. "Grandfather" privilege was not exercised within a reasonable time. (Sec. 3, Ch. 13,700, Acts of 1929.)

2. Petition for Writ of Certiorari must set forth the substance of the evidence if it is to be relied upon in any way to show the invalidity of a Commission order based upon it—mere setting forth the order with the statement that it was unsupported by the evidence is insufficient, being a conclusion of the pleader.

Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1631; 131 So. 777. (Known as the Pace Case). Decided January 8, 1931.

Upon application and hearing under Chapter 13,700, Acts of 1929, H. T. Pace was granted by Railroad Commission a certificate of public convenience and necessity to operate a truck service between Jacksonville and Tallahassee. The Commission did not consider the effect on existing rail carriers and whether they could furnish any additional service needed. The Seaboard brings certiorari to quash the order of the Commission.

HELD: Commission order quashed:

1. Commission did not proceed in accordance with the essential requirements of the law in refusing to consider the existing rail and express service. (Sec. 3, Ch. 13,700, Acts of 1929.)

2. "There was no evidence showing that there was any real public necessity for its (applicant's) operation, when the service afforded by the railway and express companies is taken into consideration." (Id. Sec. 2.)

Florida Motor Lines vs. State Railroad Commission, 101 Fla. 1018; 132 So. 851. Decided March 3, 1931.

(See previous case between same parties, 100 Fla. 538; 129 So. 876.)

The Commission granted Georgia-Florida Motor Lines authority to substitute 24-passenger busses for 7-passenger sedans on their run from Jacksonville to Miami on ground of public safety, comfort and convenience. The order granted protestant Florida Motor Lines a similar privilege upon proper showing being made. The latter brings certiorari to quash the order of the Commission on the ground that it was an existing carrier over the route that it had not failed to provide facilities satisfactory to the Commission and that there was no necessity for further passenger facilities over the route.

HELD: Certiorari denied.

1. Under Chapter 13,700, Acts of 1929, if there is substantial competent evidence legally sufficient to support the findings of the Commission, and no rule of law was violated, and the whole records does not show an abuse of authority or arbitrary action, the Commission order will not be set aside on certiorari.

2. Proof of public convenience and necessity as would support a new operation is not necessary to permit an existing certificate holder to improve its service by changing its type of equipment even over a route served by other carriers. (Sec. 3, Ch. 13,700, Acts of 1929.)

3. Order denies no right of Florida Motor Lines secured to it by statutes especially as here where the schedule of the two carriers are different and they operate from different termini. (Id.)

4. Railroad Commissioners are statutory officers and can exercise only such authority and functions as are expressly or impliedly provided for in statutes.

5. "The state may forbid the use of its highways in the business of transportation for hire even in interstate commerce, if no unjust discrimination is thereby perpetrated and federal instrumentalities are not hindered."

6. In absence of federal regulations, numbers, nature, size, weight and operation of vehicle used for hire on public highways may be regulated even as to interstate commerce, where such commerce is not discriminated against or unduly burdened. (Sec. 3, Ch. 13,700, Acts of 1929.)

Alkazin vs. Wells, 47 Fed. (2) 904. Decided 1931.

Application for interlocutory injunction before a three-judge Federal District Court against the Florida Railroad Commission to restrain the enforcement against applicant of the provisions of Chapter 13,700, Acts of 1929, the contention being that since applicant was engaged exclusively in the interstate transportation of passengers, that such Act as to him is violative of the commerce clause of the United States Constitution of the fourteenth amendment to that Constitution and of the Federal Aid Act and the Federal Highway Act.

HELD: Interlocutory injunction denied:

1. State may require interstate motor carrier to obtain certificate of convenience and necessity as prerequisite of use of public highways, the same is grantable on application as matter of course. (Sec. 2, Ch. 13,700, Acts of 1929.)

2. State regulations enforceable against interstate carrier:

- a. Payment of reasonable, nondiscriminatory mileage tax. (Id. Sec. 14.)
- b. Reasonable regulations for protection of safety and comfort of passengers. (Id. Sec. 5.)
- c. Bond or insurance for protection of persons, other than passengers, who sustain injury due to carrier's negligence. (Id. Sec. 4.)
- d. Other which are not named.

Tyson vs. Stoutamire, 104 Fla. 505; 140 So. 454. Decided March 21, 1932.

Tyson was arrested for transporting, but not for compensation within the terms of Chapter 14764, in a private motor vehicle a greater gross load than the 16,000 lb. limit prescribed by Section 3 of Chapter 15625, Acts of 1931, the Motor Vehicle Licensing Act. He contends these laws create an unlawful discrimination against him since a certificated vehicle under Chapter 14764 is allowed a greater weight. Relief sought by Habeas Corpus.

HELD: No denial of equal protection of the laws:

1. The legislative classification of public service vehicles as against private ones for the purpose of regulation is valid and reasonable. (Sec. 1, Ch. 14,764, Acts of 1931.)

2. The legislature may impose on carriers for compensation such greater or less burden as its wisdom may dictate. (Id.)

3. Chapters 14764 and 15625 are not in irreconcilable conflict but are *pari materia* and must be construed together since both passed the same session of Legislature, both deal with same general subject and the latter provides that nothing therein shall repeal the former. (Purpose and intent of the two Acts stated.) (Id. Sec. 11.)

L. & N. Railway Company vs. Matthews, 104 Fla. 603; 140 So. 469. Decided March 31, 1932.

(See previous case of Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1027; 130 So. 587.)

Certiorari by rail carriers to review Railroad Commission order granting to Union Bus Line a certificate of public convenience and necessity to operate night service between Jacksonville and Marianna.

HELD: Writ quashed.

1. On certiorari, even tho the court might have reached a different conclusion on the evidence, this would not justify substitution of its judgment for that of the Railroad Commission within whose jurisdiction lies the power to decide the question of public convenience and necessity. (Sec. 3, Ch. 14,764, Acts of 1931.)

2. Review of findings and conclusions of Railroad Commission on certiorari is not appellate in its nature, so as to determine whether error was committed as on writ of error or appeal. (Id.)

Riley vs. Lawson, 106 Fla. 521; 143 So. 619. Decided August 24, 1932.

Riley, a citizen and taxpayer, brought a Bill of Complaint under Section 25, of Chapter 14764, Acts of 1931, to enjoin Lawson from engaging in the business of hauling as a "private contract carrier" as defined in the Act without having secured a certificate or permit from the Railroad Commission. The circuit judge dismissed the bill, holding the Act unconstitutional as applied to private contract carriers.

HELD: Act unconstitutional.

1. Use of public highways for gain is special and extraordinary, is not a right but a privilege even as to private contract carriers, and may be prohibited entirely by the Legislature which may permit such use on certain conditions and under certain regulations.

2. Two principles under which state may regulate the use of public highways for gain are:

- a. Nature of the business—hauling for compensation.
- b. The right to conserve and protect public highways.

3. While the state may entirely prohibit the use of the highways for gain, there are limitations on its right to condition such use.

a. It may not exact as a condition the surrender of any right guaranteed by the federal constitution.

b. It cannot deny to permittees of the same class the equal protection of the laws. This rule does not limit wide discretion in classifying under the police power, presumption being that such legislation is valid where any conditions are present which will warrant the classification made. Under this rule motor vehicles may be treated as a special class.

4. Private contract carriers may be separately classified and dealt with as distinguished from common carriers, and such private carriers who operate in continuous and recurring carriage may be regulated separately from those whose operations are ordinary or casual. (Long discussion of the three classifications in the Act.) (Secs. 3, 4, 5, Ch. 14764, Acts of 1931.)

5. Construed as a whole the Act contemplates that private contract carriers be granted certificates as a matter of course, no public necessity or demand required to be shown, but consideration must be given to existing facilities and whether the proposed use of the highways would be an inordinate one. *Id.* Secs. 4 and 5.)

6. The Act does not impair the right to contract—"the rule is that, if the power exists to accomplish the regulation attempted, such interference with the right to contract is justified as an aid to its exercise." (*Id.* Sec. 4.)

7. Since the Act on its face specifically sets forth the portions applicable to private contract carriers, such a carrier can be protected by appropriate judicial proceedings from enforcement against him of inapplicable provisions. (*Id.* Secs. 4 and 28.)

Dickinson vs. Cahoon, 107 Fla. 155; 144 So. 345. Decided October 24, 1932.

Attack by habeas corpus on the right to enforce the general 16,000 lb. gross vehicle weight limit prescribed by the Motor Vehicle Licensing Act as against certificated carriers under Chapter 14764, Acts of 1931.

HELD:

1. "Chapter 14764, as a regulatory Act, is complete in itself. Without reference to any other statute in this state, this special Act dealing with certificated motor vehicles, contains within its four corners all the

principles of regulation and supervision which are to be applied to those certificated vehicles falling within its purview."

2. The motor vehicle law (now Chapter 15625, Acts of 1931) is principally a licensing and taxing measure intended for motor vehicles generally, but Chapter 14764, being a separate classification of particular vehicles used for hire, rendered inapplicable as to such vehicles the regulation as to weight, speed, etc., in the licensing Act. (Secs. 11, 12, 13, Ch. 14764, Acts of 1931.)

3. The legal effect of the last paragraph in Section 11 of Chapter 17464 is to limit the combined weight and load of all vehicles operating under that Act to 24,000 lbs. (Id. Sec. 11.)

4. The Railroad Commission may be "some special regulation—within the scope of its power to make reasonable rules and regulations applicable to any and all transportation companies," restrict the weight limit of vehicles under its jurisdiction to less than 24,000 lbs. (Id. Sec. 11.)

**Central Truck Lines vs. Railroad Commission, 109 Fla. 395; 147 So. 590.
Decided April 13, 1933.**

Strickland Transfer Company, a certificated operator between Orlando and Tampa, having purchased under authority from the Commission the certificate rights of Merchants Transfer Company, which operated between Orlando and Daytona Beach, applied for and received the approval of the Railroad Commission to change its combined schedule from Daytona Beach to Tampa, so as to provide an expedited service. Central Truck Lines brings certiorari to quash the order of the Commission contending the new schedule creates a new service for which there is no necessity if rights of existing carriers, who already operate thru schedules and are able and willing to furnish any additional service, as considered.

HELD: Writ of certiorari quashed:

1. Commission may grant improved schedule to carrier without considering effect on competing carriers, this not being the granting of a new service. (Sec. 3, Ch. 14,764, Acts of 1931.)

2. Findings and conclusions of the Commission will not be set aside on certiorari where there was substantial competent evidence to sustain them and no rule of law was violated and the record discloses no abuse of authority or arbitrary action. (After discussion of the evidence). (Id. Sec. 3.)

3. Under Chapter 14764, Commission must consider effect on competing lines only:

- a. When new certificate is sought.
 - b. When approval is sought for transfer of certificates. (Id. Secs. 3 and 4.)
-

**Merchants Mutual Association vs. Matthews, 110 Fla. 325; 149 So. 27.
Decided May 30, 1933.**

Appellant is a co-operative association organized for the express purpose of transporting at actual cost the goods of its stockholders only, and seeks an injunction (denied by the Circuit Judge) to restrain any interference with its operations by the Railroad Commission.

HELD: Injunction denied:

1. The organization is a private contract carrier because it contracts with its stockholders and hauls for them for compensation, and is therefore under the jurisdiction of the Railroad Commission. (Secs. 1 and 4, Ch. 14,764, Acts of 1931.)
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**Matthews vs. State ex. rel. St. Andrews Bay Transportation Company,
111 Fla. 587; 149 So. 648. Decided August 2, 1933.**

The Commission denied application of Union Bus Company to extend its interstate bus operations from Marianna, Florida, to Dothan, Alabama, on ground that application did not appear to be exclusively interstate. Applicant then amended its application to show that proposed service would be entirely interstate. The St. Andrews Bay Company obtained a writ of prohibition against the Commission prohibiting further proceedings on the amended application on the ground that Section 3 of Chapter 14764 prohibited the Commission from considering same within six months from date of the denial of the original application.

HELD: Reversed.

1. Section 3 of Chapter 14764 cannot bar from consideration an application for a purely interstate operation merely because of the denial of one for intrastate rights. (Sec. 3 of Ch. 14,764, Acts of 1931.)
2. Commission orders under Chapter 14764 are not res adjudicata, but Commission has inherent power to grant rehearings and modify previous orders. (Id.)
3. Commission may be required to comply with Section 3 of Chapter 14764 by appropriate processes directed by Circuit Court (Prohibition used here) when invoked by proper party. (Id. Sec. 3.)

Leonard vs. Sweat, 114 Fla. 60; 152 So. 857. Decided February 21, 1934.

Habeas corpus to test right of common carrier by motor truck to transport a gross load in excess of the 18,000 lbs. limit prescribed by Chapter 16085, Acts of 1933, (the Motor Vehicle Licensing Law).

HELD: (On authority of *Dickinson vs. Cahoon*, 107 Fla. 155; 144 So. 345.)

1. Railroad Commission may issue authority under Chapter 14764, to transport a gross weight of 24,000 lbs., Chapter 16085 in no way repealing Chapter 14764, and Chapter 16085 being merely an amendment to Chapter 15625, Acts of 1931, which was held in *Dickinson vs. Cahoon*, supra, to be inapplicable so far as weights are concerned to vehicles under the jurisdiction of the Railroad Commission. (Sec. 11, Ch. 14,764, Acts of 1931.)

(Mr. Justice Davis concurs on ground that the Attorney General, the Railroad Commission and the Motor Vehicle Commissioner have all concurred in a construction of the uncertain weight provisions of Chapter 16085 in favor of petitioner's contentions, so that criminal liability under such act must be resolved in favor of accused).

Coleman vs. Achim, 114 Fla. 89; 153 So. 96. (Share Expense Case.) Decided February 27, 1934.

Habeas corpus to test the right to operate without authority from the Railroad Commission of the owner of a private vehicle who on only one occasion transported for compensation four people from Miami to Hemp, North Carolina.

HELD: Whether defendant violated law depends on facts:

1. If auto trip was joint adventure between auto owner and passengers to which it was agreed that payments by passengers should be contribution to expense of trip, transaction would not come within purview of Chapter 14764. (Sec. 1, Ch. 14,764, Acts of 1931.)

2. If auto owner holds himself and his auto out to individuals or to public from which these individuals were gathered as being ready, willing and able to transport the persons for a fixed fee as his compensation, he would be a private contract carrier within the statute requiring a certificate of public convenience and necessity. (Id. Secs. 1 and 4.)

In re Grubb, 116 Fla. 387, 156 So. 482. Decided September 7, 1934.

Original mandamus proceedings to compel the Railroad Commission to issue "for hire" permit, under the terms of Chapter 14764, Laws of 1931, bringing for review before the Court only the Commission's order of denial.

HELD: Writ denied:

1. The Railroad Commission must hold a hearing and investigate and make findings to determine the nature and scope of a proposed "For Hire" operation before issuing a permit where the application suggests some special inquiry. (Sec. 4, Ch. 14,764, Acts of 1931.)

2. Petition for alternative writ of mandamus to require the Railroad Commission to issue a "for hire" permit to a carrier denied such a permit should disclose the entire record of proceedings, unless the order denying the permit is shown to be illegal or unauthorized on its face. (Id.)

3. Certiorari, not mandamus, is the proper remedy for a carrier denied a "for hire" permit by the Railroad Commission after an adversary hearing at which third parties appeared and protested. (The Court does not say that mandamus may not be used in any case of this nature). (Id.)

Rogers vs. Cunningham, 117 Fla. 760; 158 So. 430. Decided December 28, 1934.

Rogers was charged with operating on the public highways of Pinellas County "one truck and trailer combined (semi-trailer) which weight did exceed the state law." The evidence taken before the committing magistrate showed that the vehicle driven by Rogers was a four-wheel truck which had no provision for carrying a load independently, and to which was coupled in the manner of a semi-trailer, a four-wheel trailer whose wheels were placed so that the front end of the unit would drop to the surface of the road if the unit were detached from the truck. This is an original proceeding in habeas corpus and the Supreme Court stated: "All parties seem to desire an opinion from this Court as to whether a truck and trailer such as Rogers drove is within the provisions of the law limiting the weight to be carried by a semi-trailer."

HELD: Petitioner discharged from custody:

1. The combination vehicle is not a truck and semi-trailer as contended by the state, but is a "four-wheel vehicle attached to or to be drawn by a truck" which "counsel for state in the brief seemingly admitif..... properly equipped..... is entitled to a gross load of 34,000 pounds." (Sec. 3, Ch. Acts of 1933.)

2. Statute regulating weight of load of trucks and trailers being criminal statute should be strictly construed and for accused to be held for trial the charge must plainly and unmistakeably show him to come within its prohibitions. (Id.)

NOTE: Nowhere in this opinion did the Supreme Court hold that a private carrier was entitled to transport upon a vehicle of the character described in the opinion, a gross load of 34,000 pounds.

**Central Truck Lines vs. Railroad Commission, 118 Fla. 526; 160 So. 22.
Decided February 28, 1935.**

The Railroad Commission granted the Seaboard Air Line Railway Company a certificate of public convenience and necessity to operate a common carrier truck service between Tampa and Brooksville and between Waldo and Morriston, but only as a purely substituted service in order to affect a saving in transportation costs, and conditioned upon the resumption of rail service as soon as business warrants it. Central Truck Lines, who also serve this territory bring certiorari contending the Commission could not grant such authority without such proof of public convenience and necessity as would be required of an independent motor carrier.

HELD: Certiorari denied:

1. Section 27 of Chapter 14764, and Section 6703 C. G. L. contain authority for Railroad Commission in its co-ordinated supervision and regulation of both rail and motor carrier to grant a limited certificate of public convenience and necessity confined to a mere commutation of rail into motor carrier service where there is no grant of general or permanent authority to perform motor vehicle service on the highways, and without such showing of public convenience and necessity as would be necessary for a new service. (Sec. 27, Ch. 14,764, Acts of 1931, and Sec. 6703, C. G. L. 1927.)

2. Statutes regulating rail and motor carriers are in contemplation of law *pari materia*, and have for their object appropriate regulation of both in their relation to each other and to the transportation needs of commerce in the state. (Id.)

3. "Public convenience and necessity" has not been defined by the lawmakers, and each case must be decided on its own facts weighed in the light of the declared legislative purpose. (Sec. 3, Ch. 14,764, Acts of 1931.)

4. Railroad Commission orders granting or refusing permits of public convenience and necessity, although arrived at in a quasi-judicial form of procedure, are legislative in character and must be sustained,

unless clearly invalid because of: (a) misapprehension of law or facts, (b) ultra vires, (c) infringement of complaining party's legal rights, (d) contrary to some essential requirement of the law. (Id. Secs. 3 and 4.)

**Central Truck Lines vs. Railroad Commission, 118 Fla. 555; 160 So. 26.
Decided March 1, 1935.**

The St. Johns River Line Company, operating both river boat and truck service, purchased the McLeod Lines which operated trucks between Orlando and Tampa. The Commission in approving the transfer of the certificate rights of McLeod Lines authorized an additional through schedule for St. Johns River Line between Tampa and Sanford. All other carriers objected on the ground that this created an entirely new operation and permitted depressed water-truck freight rates into the Tampa trade territory, all without the required showing of public convenience and necessity and the consideration of existing facilities.

HELD: Order of Commission quashed on Certiorari:

1. Railroad Commission orders regulating the use of the highways by motor transportation companies must, like a statute, be tested by their practical operation and effect rather than by their form. (Ch. 14,764, Acts of 1931.)

2. Motor vehicle rights under certificates separately granted cannot be lawfully combined for the establishment of a through service without first obtaining from the Railroad Commission a certificate of convenience and necessity. Chapter 14764, Acts of 1931, contemplates no prejudicial alteration in established relationships unless justified by public convenience and necessity. (Id. Sec. 3.)

3. The purpose of a certificate of public convenience and necessity is primarily for public convenience and welfare and not for the advantage and benefit of carriers. (Id. Sec. 3.)

4. Inadequacy of existing service is not necessarily essential to a finding that public convenience and necessity will be served by the linking of existing local services to create a through service. Here the fault was the inclusion in the certificate of a special provision permitting the enjoyment by the St. Johns River Line of rate advantages at the expense of other carriers serving the same territory. (Id. Sec. 3.)

5. The Railroad Commission under the authority given in the Act to include such terms, conditions, and provisions in certificates as it may deem proper in the public interest may not grant special rates, prejudicial to other carriers. (Id. Sec. 3.)

6. Under the terms of the Act auto transportation company includes a carrier operating partly by water and partly by motor vehicles. (Id. Sec. 1.)

Tamiami Trail Tours vs. Railroad Commission of Florida, 120 Fla. 371; 163 So. 1. Decided July 5, 1935.

Coast to Coast System, Inc., the holder of a certificate to transport freight by motor vehicle from Jacksonville to Tampa via Daytona Beach and Kissimmee and from Jacksonville to Miami via Daytona Beach and Melbourne, was granted by the Railroad Commission the right to operate between Kissimmee and Melbourne on a schedule that would expedite by one day its service from Tampa to Miami. No showing of public convenience and necessity was attempted and Tamiami Trail Tours, Inc., who holds the certificate rights between Tampa and Miami via Fort Myers and the Tamiami Trail seek to set aside the order of the Commission on certiorari.

HELD: Order of Commission quashed:

1. Railroad Commission orders must be tested by their practical operation and affect rather than by their form. (Ch. 14,764, Acts of 1931.)

2. The order granted is not an administrative schedule change which would be authorized under Section 8 of Chapter 14764, but in effect created a new and different common carrier service between Tampa and Miami for which no showing of public convenience and necessity was made, and none of the essential requirements of the law were followed relative to the granting of a new certificate as set forth in Section 3 of Chapter 14764. (Id. Secs. 3 and 8.)

3. "Every Certificate of Public Convenience and Necessity that the Railroad Commission is authorized to grant under the law is, in most cases in its last analysis, a statutory license to enjoy a protected public monopoly out of whatever motor transportation business is to be derived by the certificate holder out of its servicing the authorized route and terminal points designated in such a certificate when issued." (Id. Sec. 3.)

4. Convenience and necessity in Chapter 14764 refers to that of the public as distinguished from that of the private convenience of a carrier. (Id. Sec. 3.)

L. & L. Freight Lines, Inc., vs. Douglass, 14 F. Supp. 399. Decided Nov. 7, 1935.

Suit to enjoin the Florida Railroad Commission from interfering with the common carrier interstate motor truck operations begun by L. & L. Freight Lines on October 13, 1935, over U. S. Highway No. 19 from the Georgia-Florida state line through Tallahassee to Ocala, Dunnellon and Tampa, and over U. S. Highway No. 90 between Tallahassee and Live Oak. Plaintiff contends that under Subsection (b) of Section 206 of the Federal Motor Carrier Act, 1935, it may inaugurate such purely interstate operation up to the effective date of the Motor Carrier Act and continue such operation for one hundred twenty days without authority from the Interstate Commerce Commission, the I. C. C. by proper order having postponed the effective date of Section 206 until October 15, 1935.

HELD: Prayer for temporary restraining order denied:

1. A careful inspection of the postponement order of the I. C. C. makes it clear that the taking effect of the provisions of Section 206 was postponed solely for administrative reasons, was for the benefit only of those who could not qualify under the "grandfather" clause as of June 1, 1935, but were in operation on October 1, 1935, and was not intended to enlarge any rights to engage in interstate commerce. (Motor Carrier Act, 193, Sec. 206; 49 U.S.C.A. Sec. 306.)

Douglass vs. Pan American Bus Lines, 81 F. (2d) 222. Decided December 27, 1935.

The appellee, a bus company desiring to institute a new type of passenger service between New York and Miami and having secured authority from all other states, applied to Florida Railroad Commission for the proper permit and was refused on the ground that, it being an exclusive interstate operation, the passage by Congress of the Motor Carrier Act had deprived the Commission of all jurisdiction over the granting of a certificate to an interstate carrier. The bus company secured an interlocutory injunction from the District judge for Northern District of Florida restraining the Commission from interfering with plaintiff's operation. From this order the defendants appeal.

HELD: Injunction sustained:

1. From such order court reviews only whether there has been abuse of discretion. Under these circumstances this order was an "exercise of discretion" to protect apparent rights of plaintiff. (Motor Carrier Act, 1935, 49 U.S.C.A. Sec. 301-327.)

2. The bill does not attack either a law of Florida or an order of the Commission, so this is no case for a three-judge court.

3. On the showing made before the Commission, the appellee was entitled to a certificate as a matter of right, it being an exclusive interstate carrier. (Secs. 3 and 28, Ch. 14,764, Acts of 1931.)

McJunkin vs. Railroad Commission, 122 Fla. 402; 165 So. 368. Decided January 20, 1936.

The Commission authorized the Seaboard Air Line Railway to operate common carrier bus service between Fernandina and Yulee in lieu of its previous rail service, a purely substitute service from depot to depot until such time as business would permit the resumption of the rail service. McJunkin, who had previously performed this service under contract with the railroad, brings certiorari to quash the order of the Commission on the ground that this is a new service granted without considering public convenience and necessity or the effect on his existing public.

HELD: Certiorari denied:

1. The judgment of the Railroad Commission is proper on authority of Central Truck Lines vs. Railroad Commission, 160 So. 22. Sec. 27, Ch. 14,764, Acts of 1931.)

Lowe vs. Stoutamire, 123 Fla. 135; 166 So. 310. Decided February 29, 1936.

Driver for L. & L. Freight Lines, Inc., was arrested for operating a motor vehicle for hire without authority from Railroad Commission in exclusive interstate commerce and he brings habeas corpus.

Held: Petitioner lawfully held:

1. Enactment of Motor Carrier Act, 1935, did not suspend or supersede state laws applicable to interests motor carriers but left same to be applied without hindering or burdening regulations of Congress applicable to same subject matter. (Motor Carrier Act, 1935; 49 U.S.C.A. Secs. 301-327.)

2. Motor Carrier Act did not impair Chapter 14764 in so far as it required interstate carriers to register their operation and observe the provisions of the Act capable of being enforced against interstate carriers. (Id.)

3. Alcazin vs. Wells, 47 F. (2d) 904, principles still in effect in so far as state regulations do not now conflict with Motor Carrier Act. (Id.)

4. State's proprietary interest in its roads and right to condition their use for their preservation and for public safety and convenience

is to be distinguished from right to prescribe equipment for interstate railroads.

Union Bus Company vs. Douglas, 123 Fla. 292; 166 So. 582. Decided March 19, 1936. Rehearing denied March 23, 1936.

Railroad Commission granted A. J. Redd a certificate of public convenience and necessity to carry passengers between Perry, Branford, Raiford, Macclenny and Jacksonville, but with closed doors between Macclenny and Jacksonville. Union Bus Company brings certiorari to quash the order of the Commission on ground that it was already adequately serving the needs of the public between Macclenny and Jacksonville and is willing and ready to provide any additional service necessary.

HELD: Certiorari denied:

1. Commission may grant new certificate in which a portion of the route is covered by an existing certificate, where the new service is so restricted as to preclude the rendering of competitive service, and where the public convenience and necessity require the duplication of routes to meet the needs of those accommodated by the new service. (Sec. 3, Ch. 14,764, Acts of 1931.)

2. Commission may issue certificates with modifications, and upon such terms and conditions as in its judgment public convenience and necessity may require. (Id.)

State ex rel. R. C. Motor Lines vs. Florida Railroad Commission, 123 Fla. 345; 166 So. 840. Decided March 28, 1936.

Original mandamus proceedings to require the Railroad Commission to grant a certificate of registration to an exclusive interstate private contract carrier by motor vehicle over a certain state highway.

HELD: Peremptory writ granted:

1. The commerce clause of the U. S. constitution ex proprio vigore amounts to a national certificate of public convenience and necessity to carry on interstate commerce and only Congress can limit this right. (Sec. 8, Art. 1, U. S. Constitution.)

2. The certificate of public convenience and necessity as required by the Florida Motor Transportation Act and applied to an exclusive interstate carrier is in effect only a registration of such a carrier's operation, is grantable as a matter of course after opportunity to determine is bona fides, and is only to enable the state to:

- (a) Identify the operation.
- (b) Collect the mileage taxes due for the use of the highways.
- (c) Enforce police regulations which promote public safety and conservation of the highways. (Secs. 1, 2, 3, 4, 11, 12, 13, 16, Ch. 14,764, Acts of 1931.)

3. The enactment of the Motor Carrier Act, 1935, by Congress did not suspend or supersede the rights of the state as set forth in paragraph 2 above. (49 U.S.C.A. Secs. 301-327.)

4. The power of the Railroad Commission to determine the route to be used by interstate motor carrier is an exercise of the police power to be exerted after authority is granted as a matter of course to use the state highways in commerce, and cannot be exercised so as to unduly burden or control the right to operate. (Secs. 3 and 14, Ch. 14764, Acts of 1931.)

Lawrence vs. Goddard, 124 Fla. 250; 168 So. 13. Decided May 5, 1936.

Goddard, manager of a U-Drive-It Company, was arrested for renting an automobile to a party who operated it over a public highway of the state, Goddard not having first obtained a permit from the Railroad Commission and complying with Chapter 14764, Acts of 1931.

HELD: Accused discharged on habeas corpus:

1. U-Drive-It concerns neither *operate* their own automobiles nor undertake to transport persons or property as part of their business, hence are not "*carriers*" who "*operate*" motor vehicles within the terms of Section 1 (e) of Chapter 15764. (Sec. 1, Ch. 14764, Acts of 1931.)

2. The provisions of Chapter 14764 are unadapted for application to a U-Drive-It operation:

- a. Form of bond prescribed by Section 6 is inapplicable. (Id. Sec. 6.)
- b. The speed rule in Section 12 cannot be enforced against one who relinquishes control of his vehicle. (Id. Sec. 12.)
- c. The driver regulations of Section 19 similarly could not be enforced. (Id. Sec. 19.)

University City Transfer Company vs. Florida Railroad Commission, 124 Fla. 308; 168 So. 413. Decided May 18, 1936.

The Commission after notice and hearing, authorized the transfer of a certificate of public convenience and necessity from Brown's Motor Freight Lines, Inc., to Hi-Way Transports, Inc. This is certiorari to review this order brought by two carriers also serving the same territory. The contentions were that the evidence showed it to be the duty of the Commission to revoke the certificate for failure to operate, that therefore there was nothing to transfer, that Hi-Way Transports, Inc., had not shown public convenience and necessity; that the Commission failed to consider: (a) rights and privileges of existing carriers serving the territory; (b) effect on existing facilities in the territory; (c) the interest of the shipping and consignee public.

HELD Certiorari denied:

1. Where Commission's conclusions are sustained by substantial evidence, they are not reviewable by certiorari.

2. Before certificate can be considered as revoked, there must be formal charge, citation, hearing, and "weighing the probative force of evidence on the merits of the question." (Sec. 10, Ch. 14,764, Acts of 1931.)

3. The certificate not having been revoked, the transferee was under no duty to show existence of public convenience and necessity. (Id. Sec. 3.)

State ex rel. L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 579; 169 So. 389. Decided May 13, 1936. Rehearing denied July 19, 1936.

The relator, on October 8, 1935, applied to the Railroad Commission for a certificate of public convenience and necessity to operate a common carrier truck service from Atlanta, Georgia, to Tampa, Florida, through Tallahassee, Perry, Ocala and Dunnellon, and also over state highway No. 1, between Marianna and Live Oak through Tallahassee. The Commission declined to take jurisdiction of the application on the ground that its jurisdiction had been superseded by the passage of the Federal Motor Carrier Act, 1935. This was an original mandamus proceeding to require the Commission to grant the certificate.

HELD: Alternative writ of mandamus quashed and proceeding dismissed:

1. Control by Interstate Commerce Commission over issuance or denial of certificates of public convenience and necessity for operation of motor vehicles in interstate commerce began with date of President's

approval of Federal Motor Carrier Act on August 9, 1935, and not from date such Act might become operative. (49 U.S.C.A. Secs. 301-327.)

2. Florida Railroad Commission held without authority to entertain application for issuance of certificate of public convenience and necessity for exclusively interstate motor carrier operation after approval of federal act governing such certificates, until propriety of issuance had first been submitted to and passed upon by Interstate Commerce Commission. (Secs. 3 and 28, Ch. 14,764, Acts of 1931.)

3. Where Interstate Commerce Commission awards certificate of public convenience and necessity for exclusively interstate motor carrier operation, Florida Railroad Commission is required to grant carrier state certificate upon proper application to enable commission to enforce state police regulations. (Id. Secs. 3 and 28.)

L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 696; 169 So. 370. Decided June 26, 1936.

Appeal from an interlocutory order of the Circuit Court of Leon County denying an application for a restraining order against the Florida Railroad Commission to prevent the enforcement of the Florida Motor Transportation Act against the L. & L. Freight lines who were engaged in exclusive interstate commerce over certain state highways but who had not secured any authority from the Interstate Commerce Commission under the Federal Motor Carrier Act of 1935 to conduct such business.

HELD: Constitutional writ of injunction dissolved:

1. The federal right claimed by appellant, while appropriately alleged has not been made clearly to appear by proof submitted to overcome the allegations of the answer denying the lawful inauguration of the operation, and must be established by competent proof before being entitled to injunctive relief in the state courts as against the asserted rights of state officers to continue their enforcement of a state statute otherwise applicable.

2. Since the passage of the Federal Motor Carrier Act, 1935, Interstate motor carriers are entitled to injunctive protection of their operations upon it being shown by appropriate allegations and proof that they are entitled to enjoy the temporary privileges and benefits conferred *ex proprio vigore* by that Act, pending a factual decision by the I. C. C. on their interstate right. (Secs. 206, Motor Carrier Act 1935; 49 U.S.C.A. Sec. 306.)

3. The purpose of Congress by the Federal Motor Carrier Act was to vest in the I. C. C. the ultimate authority to determine which motor carriers are entitled to operate under the terms of that Act, no such authority remaining in the state regulatory bodies.

L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 819; 169 So. 501. Decided July 16, 1936.

Original mandamus proceedings to require the Florida Railroad Commission to grant a certificate of public convenience and necessity for an exclusive interstate motor vehicle operation to a carrier who had not received any authority from the Interstate Commerce Commission under the Federal Motor Carrier Act, 1935.

HELD: Alternative writ of mandamus denied:

1. State Railroad Commission need not grant certificate of public convenience and necessity to motor carrier for interstate operation, until Interstate Commerce Commission finally decides carrier's permanent status, notwithstanding carrier may continue already begun interstate operation until pending application to Interstate Commerce Commission for permanent certificate has been decided since such federal right is only temporary. (Sec. 3, Ch. 14,764, Acts of 1931.)

L. & L. Freight Lines, Inc., vs. Railroad Commission of Florida, 17 F. Supp. 13. Decided Dec. 4, 1936.

Suit by an interstate common carrier truck line to enjoin Florida Railroad Commission and the Florida State Road Department from enforcing against plaintiff the weight regulations of motor trucks and trailers prescribed by the Railroad Commission under the terms of Chapter 14764, Laws of Florida, 1931. Plaintiff contends that by the Motor Carrier Act, 1935, Congress assumed the regulations of interstate motor carriers for hire, preempting the field to the exclusion of state regulation.

HELD: Injunction denied.

1. Federal Motor Carrier Act does not regulate interstate motor vehicle carriers as to weight so as to displace Florida state regulations, this being plainly shown by the failure to enumerate weights in Section 204 of the Act which states the extent of the authority given the Interstate Commerce Commission over motor vehicle carriers, and by Section 225 of the Act which authorizes the I. C. C. to investigate and report on the need for federal regulation of the weight of motor vehicles. (Secs. 204 and 225, Motor Carrier Act 1935; 49 U.S.C.A. Secs. 304 and 325.)

2. Courts will not hold that regulatory police powers of the states to prescribe size and weights of vehicles using state highways in interstate commerce are superseded except on clear evidence of intent of Congress to occupy and pre-empt that field of regulation.

State of Florida ex rel. Morris Coats vs. Whitaker, 126 Fla. 543; 171 So. 521. Decided December 18, 1936.

Original habeas corpus proceeding by operator of a motor vehicle to secure release from arrest for transporting commercial fertilizer from factory to farmer-consumer without authority from Railroad Commission. It was agreed that this was a "casual and irregular" trip by one regularly engaged in hauling exempted products (agricultural products) and that trucks were operating under private license from the Motor Vehicle Department.

HELD: Petitioner remanded to custody:

1. Transporting of commercial fertilizer to the farmer is not exempt from provisions of Motor Transportation Act. (Sec. 30, Ch. 14,764, Acts of 1931.)

2. Vehicle used in hauling for compensation in order to be exempt under Section 30 of Chapter 14764 must be devoted "exclusively" to such operation. (Id.)

3. "Casual and irregular trips, under Section 30, are not exempt unless the person making them is not engaged in the *business* of for hire carriage as the petitioner was here, even tho he is permitted to operate under private license by the motor vehicle license law. (Id.)

Leonard Bros. Transfer & Storage Company, et al. vs. Carter, 127 Fla. 198; 172 So. 924. Decided February 26, 1937.

Original mandamus proceedings to require the Railroad Commission to deny and dismiss an application filed by the Railway Express Agency for a "For Hire" carrier's permit. A temporary permit had been granted and the Commission had thereafter held a hearing, upon the protests of the relators, to determine the exact nature of the operation and whether or not the permit was the proper authority to grant. The mandamus proceedings were brought eighteen days after the hearing and before the Commission had announced its decision.

HELD:

1. The Railroad Commission has power to tentatively grant an application for a "for hire" permit, and thereafter conduct an inquiry to determine whether the same is proper and should be allowed to remain in force. (Sec. 5, Ch. 14,764, Acts of 1931.)

2. Mandamus cannot be used to coerce a particular decision by the Railroad Commission on a matter within its jurisdiction where Commission has the matter under advisement.

Central Truck Lines, Inc., vs. Douglass, 127 Fla. 392; 173 So. 162. Decided February 16, 1937.

Petition for Writ of Certiorari to review four orders of the Railroad Commission, the first of which granted and the balance extended the authority of the Seaboard Air Line Railway to operate a common carrier truck service between certain towns served by its rail lines. (See *Central Truck Lines vs. Railroad Commission*, 118 Fla. 526; 160 So. 22, upholding the first of these orders.) The petitioned in this case contends that all of the orders taken together, and in connection with an administrative interpretation thereof, (Traffic Circular No. 30) constitute the granting of a Certificate of Public Convenience and Necessity without requiring proof of the same as required by the Motor Transportation Act.

HELD: Certiorari denied:

1. The orders complained of are merely an extension of the same purely substituted rail service which was up held in *Central Truck Lines vs. Railroad Commission* (cited above) (Sec. 27, Ch. 14,764, Acts of 1931.)

2. Traffic Circular permitting rail carriers to inaugurate pick-up and delivery service at stations, with alternative provision permitting carriers to make allowance when freight was taken from station platform by consignee or delivered at platform by consignor, **HELD** not unlawful authorization to railroad companies to conduct pick-up and delivery service, where same alternative was declared to be allowable to public highway carriers. (Acts 1931, Ch. 14,764, Sec. 30.) (Id. Secs. 3 and 27.)

Tamiami Trail Tours, Inc., vs. Railroad Commission, 128 Fla. 25; 174 So. 451. Decided March 11, 1937.

Tamiami Trail Tours seeks to review by certiorari an order of the Railroad Commission denying an application to operate a common carrier bus service between Tampa and Tallahassee, Florida.

HELD: Writ of Certiorari granted and order of Railroad Commission quashed:

1. Petitioner held to have met the burden resting upon it as a basis for having issued a certificate where Commission found that part of territory was suffering to some extent from lack of through transportation facilities and such service would be a great convenience to that part of public. (Sec. 3, Ch. 14,764, Acts of 1931.)

2. Certiorari will lie to review an order of the Railroad Commission denying an application for Certificate of Public Convenience and Necessity. (Id. Sec. 3.)

3. (On rehearing) In Certiorari Supreme Court cannot direct respondent to enter any particular order or judgment but can only deny the writ or quash the order reviewed, and, where order is quashed, leaving the proceedings as they were before such order was entered. (Davis concurring: Decision of reviewing Court in certiorari becomes the "law of the case" which must be followed in any further proceedings before inferior tribunal, mandamus being the remedy to coerce such action.)

**State ex rel Fohl vs. Karel, Sheriff, 180 Sou. 3. Decided Mar. 30, 1938.
Original Proceeding in Habeas Corpus.**

The petitioner was arrested and charged with operating a motor vehicle in transporting goods for compensation without any authority from the Railroad Commission. On original habeas corpus proceedings in the Supreme Court, the facts were stipulated and it was agreed that at the time of his arrest Fohl was driving a truck which was *jointly owned and operated* by two merchants, neither of which had anything in common except their need for transporting their products and this arrangement whereby each contributed to the cost of operating the truck in proportion to his use of the truck. It was agreed that this was a bona fide joint ownership of the truck.

HELD: Prisoner discharged.

1. The operation does not come within the Motor Transportation Act because the two merchants are merely transporting their own goods in their own vehicle as an incident to their private business. (Sections 1 and 30 of Chapter 14764, Acts of 1931).

2. Joint owners and operators of a truck are tenants in common and as such each is entitled to possession and use so long as not to interfere with rights of co-owner, and therefore such operators do not come within the scope of the Act which is intended to regulate only those who haul for others. (Id. Secs. 1 and 30.)

**State ex rel George Kelley vs. Ramsey, Sheriff. 132 Fla. 647 181 So. 885.
Decided June 6, 1938.**

This was an original proceeding in habeas corpus to test the jurisdiction of the Railroad Commission over the operation of taxi-cabs outside of cities and towns. The petitioner who was engaged in the general taxi business in Tallahassee had transported several persons from Tallahassee to Gainesville, and had no authority from the Commission.

HELD: Petitioner remanded to custody.

1. Taxi-cabs hauling persons for compensation outside of municipalities are within the purview of the Motor Transportation Act and are not within any of the exempting provisions in Section 30 of the Act, it being immaterial that taxi company is licensed to operate a taxi business in a particular city. (Secs. 1 and 30, Chapter 14764, Acts of 1931.)

Malone vs. Carter. 132 Fla. 818; 182 So. 214. Decided June 15, 1938.

Injunction suit instituted in the Circuit Court for Dade County, Florida, by P. T. Malone doing business as P. T. Malone Horse Pullman Service, to enjoin the Florida Railroad Commission from regulating the business of transporting race-horses by truck for hire between the Tropical Park and Hialeah Race Tracks in Dade County, Florida.

HELD: Decree of Lower Court dismissing bill of complaint affirmed:

1. The transportation of race-horses between race tracks in Dade County, Florida, is subject to the jurisdiction of the Florida Railroad Commission, since the law specifically provides that such transportation shall not be exempt from the jurisdiction and control of the Railroad Commission. (Sec. 30 of Chap. 14764, Acts of 1931, as amended by Chapters 18028 and 18029, Acts of 1937.)

Central Truck Lines, Inc., vs. Railroad Commission, 133 Fla., 190; 182 So. 783. Decided June 10, 1938.

Original proceeding in certiorari to review an order of the Railroad Commission granting the Seaboard Air Line Railway Company the right to operate motor trucks between Jacksonville and Live Oak, Florida, which authority was granted by the Railroad Commission as provided in Section 27, Chapter 14764, Acts of 1931, as amended by Chapter 18027, Acts of 1937. It was contended by the petitioner that Chapter 18027 was unconstitutional.

HELD: Writ of Certiorari denied and petition dismissed.

1. The statute permitting railroads to conduct motor transportation over highways paralleling their rail lines as a matter of right, where ordinary truck lines are required to make a showing of public convenience and necessity before the Railroad Commission, is not discriminatory and does not deny equal protection of the law, the legislature having a wide discretion to limit, regulate or prohibit as it sees fit motor transportation over public highways. (Sec. 27 of Chapter 14764, Acts of 1931, as amended by Chapter 18027, Acts of 1937.)

State ex rel. Sanders vs. Ramsey, Sheriff. 137 Fla. 189 So. 39. Decided May 5, 1939.

Original proceeding in habeas corpus to determine whether the Railroad Commission had jurisdiction over the transportation for hire of agricultural products (in this case unshelled peanuts) from one dealer in such products to another.

HELD:

1. There is nothing in Section 30 of Chapter 14764, as amended, exempting this kind of transportation, since it was not performed between points of production, primary manufacture and shipping.

2. The exemption in the last sentence of Section 30 does not apply because there is nothing to show that the occasion of petitioner's arrest was "casual or irregular trip" or that he was "not engaged in business for hire," hence the fact that he may have lawfully been operating under a private license tag does not exempt him from the provisions of Chapter 14764.

Travis vs. Fry, 190 So. 793. Decided July 28, 1939.

Injunction suit to restrain the Railroad Commission from assuming jurisdiction over the operations of a truck owner who is employed by a power company to remove heavy power transformers from their bases at company's substations and to transport them by truck to other supply stations or to repair shops. The contention of the truck owner was that his compensation was primarily for work other than hauling, and that he was not therefore engaged in the business of hauling within the terms of the Motor Transportation Act.

HELD:

1. Such transportation was "For Hire" though only a minor part of the compensation paid was for the actual hauling performed.

2. It is immaterial whether, under contract involving hauling and other work, compensation received for the actual hauling is more or less than that received for the other work.

St. Andrews Bay Transportation Company vs. Carter, 190 So. 788. Decided on August 1, 1939.

Original proceeding in certiorari before the Supreme Court of Florida to set aside orders of the Commission granting a certificate to a competitor and approving the transfer of such certificate. Attack was made on the Commission's proceeding wherein the holder of the new certificate granted did not comply with certain conditions precedent prior to the institution of service under the certificate but nevertheless was granted a certificate.

HELD:

(1) The granting of extensions of time for compliance with conditions precedent laid down by the Commission to obtain a certificate of public convenience and necessity is within the discretion of the Commission and the matter of strict compliance with conditions named is for the Commission to determine.

State ex rel Five Transportation vs. Lee, 132 Fla. 183, 181 So. 179. Decided January 5, 1938. Final Opinion on Rehearing July 29, 1939. 191 So. 10.

Original proceeding in mandamus to require the Comptroller to collect mileage tax from common and contract carriers on the basis of the mileage traveled by vehicles carrying a pay load only and without taking into consideration mileage of trucks carrying no load or no pay load. Relators contended that Chapter 18026, Acts of 1937, which amended the mileage tax provisions of the motor transportation Act, changed the basis of computing such tax.

HELD:

(1) Chapter 18026 Acts of 1937 did not change the method of computing the mileage tax and merely amended the Motor Transportation Act to conform to previous decisions of the Supreme Court interpreting said Act.

(2) Auto Transportation Companies must pay the mileage tax for every mile traveled by their vehicles in the course of their business as carriers regardless of whether a full load, part load or no load is carried.

State ex rel National Trucking Company vs. Lee, Comptroller. First Opinion January 22, 1938; 132 Fla. 533; 181 So. 182. Final Opinion on Rehearing July 25, 1939; 191 So. 17.

This is a companion case to State ex rel Five Transportation Company -vs- Lee digested above. The same questions were raised plus the additional question of whether or not the certificate of the National Trucking Company had been so limited by the Railroad Commission that it could not lawfully transport a pay load on its return movements, and, therefore, could not be required to pay the mileage tax on such movements.

HELD:

(1) A contract carrier in fixing the terms of his contract must necessarily take into consideration the probability of empty return movements and the expense of such empty trips must be included as a part of the basis upon which his compensation is determined.

(2) Although the Railroad Commission is not authorized to fix the rates of contract carriers it may require such carriers to submit their contract rates to the Commission for approval and make take same into consideration in considering the effect upon other transportation facilities within the territory of the contract carrier.

Merryman vs. Southern Tours, 120 Fla. 440; 162 So. 897.

This is an injunction proceeding by a carrier certificated to conduct sightseeing trips against an unauthorized carrier engaged in the same business. Temporary injunction was granted under Section 25 of Chapter 14764 and the defendant appealed.

HELD:

(1) Reversed because temporary injunction granted without the bond which is necessary where private litigants seek relief under Section 25 of Chapter 14764.

(2) The Court seems to hold that the Railroad Commissioners seeking injunctive relief under Section 25 do not have to post indemnity bond where they bring suit as public officials.

(3) Section 25 upheld as constitutional and a bill of complaint brought under such section is approved.

Tamiami Trail Tours, Inc. et al vs. Lee, Comptroller. 142 Fla. 68; 194 So. 305, decided February 27, 1940.

Suit against the State Comptroller to enjoin the collection of .07c per gallon tax on distillate or fuel oil used in diesel motored vehicles on the highways as provided in Chapter 19446, Acts of 1939 on the ground that complainants were certificated carriers and therefore exempted from such tax by Section 16 of Chapter 14764, Acts of 1941.

HELD:

(1) Certificated carriers are not exempted from fuel oil tax because such tax was intended to be a substitute for gasoline tax.

(2) Fuel oil tax law impliedly repeals that part of Section 16, Chapter 14764, exempting certificated carriers from all other taxes, to the extent necessary to subject such carriers to fuel oil tax.

**Report of the
Telephone Engineer**

REPORT OF TELEPHONE ENGINEER

The work started in 1939, as reported in the 43rd Annual Report of the Railroad Commission, was continued through the year 1940. In reporting on the work done during the year 1940 the classifications are shown under three general headings, namely:

1. Service surveys.
2. Routine inspections.
3. Informal complaints filed by complaining parties with the Railroad Commission.

A service survey consists of a series of service tests of the speed of service of the operator or machine switching mechanism handling the call; the time taken to handle this call being timed by a stop watch.

A routine inspection consists of a thorough inspection of the telephone property. Tests and measurements are made of the switchboard apparatus, the line equipment and subscriber's apparatus.

These tests are made in accordance with the latest and most approved methods and where defects are found the management is fully informed of such defects and the methods of remedy prescribed by the Engineer. A follow-up is made by the Engineer where defects are found to insure that corrections have been applied.

1. The following is a list of 43 towns where service surveys were made:

Jasper	Lake Placid	Marineland	Pompano
White Springs	Punta Gorda	Bunnell	Delray Beach
Mayo	Clewiston	St. Augustine	Lake Worth
Cedar Keys	Moorehaven	Graceville	Okeechobee City
Sanford	LaBelle	Panama City	Belle Glade
Fort Meade	Ft. Myers	Everglades	Lake Park
Bowling Green	Naples	Homestead	Hobe Sound
Wauchula	DeLand	Key West	Stuart
Avon Park	Orange City	Perrine	Fort Pierce
Arcadia	Daytona Beach	Golden Beach	Vero Beach
Sebring	New Smyrna	Hollywood	

2. The following is a list of towns where routine inspections of telephone properties were made. In some cases return visits were necessary.

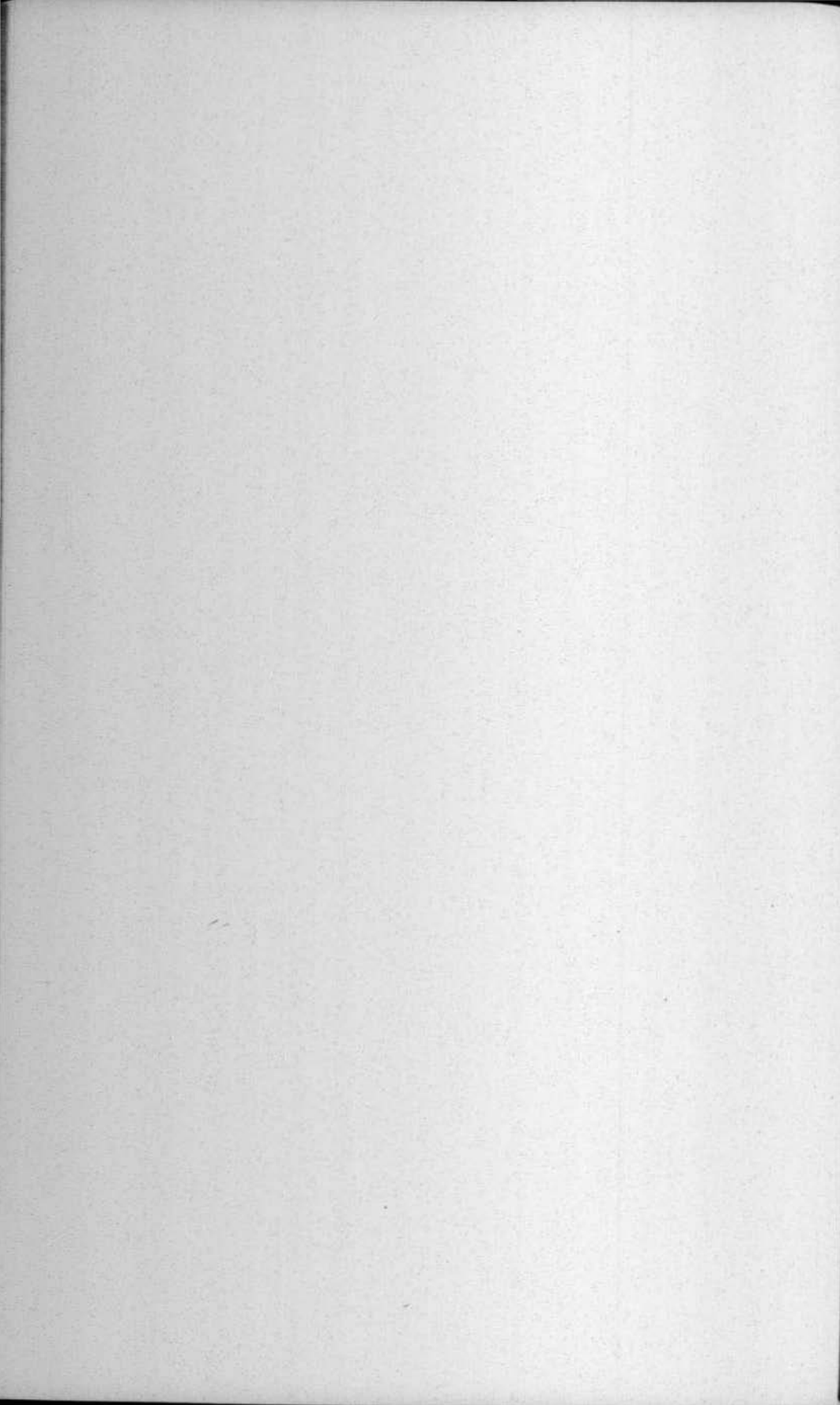
Ocala	Bartow	Madison
Interlachen	Oviedo & vicinity	River Junction
Keystone Heights	Geneva & vicinity	Marianna
Starke	Sanford	Chipley

Live Oak	Palatka & rural	Bonifay
Hosford	Hastings	Crestview
Telogia	Quincy	Milton
Blountstown	Tallahassee—rural	Ft. Walton
Wewahitchka	Perry	Cottondale
Port St. Joe	Maitland	Homestead
McIntosh	Forrest City	Sunny Isles
Gainesville	Clearwater	Peters
Leesburg	Sarasota	Fulford
Branford	Venice	Canal Point
Trenton	Punta Gorda	Monticello
Williston	Ft. Myers	Auburndale
Tavares	Arcadia	W. Palm Beach
Mt. Dora	Clewiston	Lake Wales
Umatilla	Moorehaven	Lakeland
Jacksonville & vicinity	Haines City	St. Petersburg
Orlando	DeLand	Bellevue
Winter Park & rural	Daytona Beach	Summerfield
DeFuniak Springs (rural)	Madison	Kissimmee
Winter Haven	Cutler	

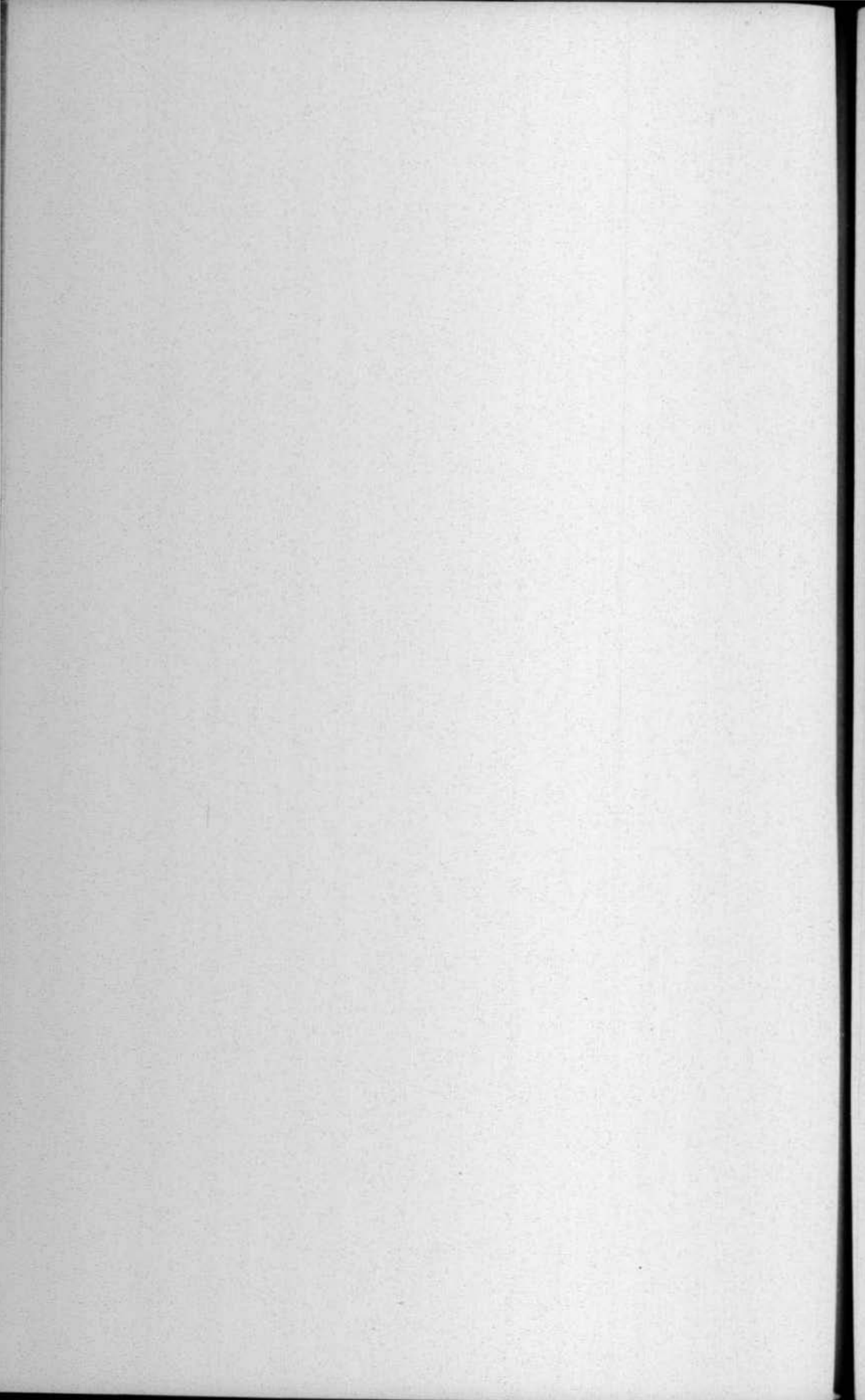
3. Informal complaints filed—and classified as follows. These complaints were adjusted satisfactorily. In some cases follow up visits were made.

Complaints of poor telephone service	9
Miscellaneous complaints relating to charges and delays in installations	6
Total	15
The total number of complaints for the year 1939 as reported in 43rd Annual Report was	33

**FINANCIAL AND OPERATING
STATISTICS OF
PUBLIC UTILITIES**



**Steam Operated
Railroads**



STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF ROAD	ASSETS									LIABILITIES									
	Investment in Road and Equipment	Improvements on Leased Property	Sinking Funds	Deposits in Lieu of Mort- gaged Property	Miscellaneous Physical Property	Investments in Affiliated Companies	Other Investments	Current Assets	Deferred Assets	Unadjusted Debits	Grand Total	Total Stock	Long-term Debt	Current Liabilities	Deferred Liabilities	Unadjusted Credits	Appropriated Surplus	Profit and Loss	Grand Total
Alabama, Florida & Gulf Railroad.....	\$ 10,424	\$	\$	\$	\$	\$	\$	\$ 1,070	\$	\$	\$ 11,494	\$ 10,000	\$	\$ 3,144	\$	\$	\$	\$ *1,650	\$ 11,494
Alabama & Western Florida Railroad Company(A)	141,744							82,92		33	150,069	153,200	5,500	22,670		19,391		*50,692	150,069
Apalachicola Northern Railroad Company.....	3,025,969				12		1	94,431	275	3,298	3,123,986	1,000,000	4,359,086	466,286	155	91,519	2,388	*2,795,448	3,123,986
Atlanta & St. Andrews Bay Railway Company.....	2,308,612				194,255	59,365	10,500	140,048	13,766	73,658	2,800,204	600,000	1,233,934	95,926	1,540	111,812	9,302	747,690	2,800,204
Florida East Coast Railway Company.....	266,421,850	507,999		2,910	1,963,874	78,065,943	201,418	15,444,724	1,530,456	557,504	364,696,678	87,376,389	144,787,100	8,678,271	(1) 2,592,201	34,974,547	6,143,968	80,144,202	364,696,678
Georgia & Florida Railroad.....	81,924,982	19,985		234,418	312,516	1,791,410	52,497	3,660,413	47,905,692	2,317,112	138,219,025	37,500,000	60,670,000	21,033,528	(2) 48,957,041	8,224,237	903,175	*39,068,956	138,219,025
Georgia Southern & Florida Railway Company.....	19,867,981	101,600		300	151,929	204,717	1	238,507	1,733	753,446	21,320,414	13,382,441	6,741,000	8,644,607	(3) 3,142	544,313	13,878	*8,008,967	21,320,414
Jacksonville, Gainesville & Gulf Railway.....	15,015,659	3,917			15,872	122,051		584,403	26,262	1,048,120	16,816,284	3,768,000	7,502,684	1,882,515	(4) 1,018,079	1,265,687	46,352	1,332,967	16,816,284
Jacksonville Terminal Company.....	382,922				1			61,380	1,038	4,405	449,746	5,000	578,434	262,745		13,377	32	*409,842	449,746
Live Oak, Perry & Gulf Railroad Company.....	4,696,419				112,653			485,373	2,313	10,234	5,306,992	375,200	4,093,610	483,170	*1	105,333	30,080	219,600	5,306,992
Louisville & Nashville Railroad Company.....	1,434,643				19,355	966	3,000	32,737	972	1,807	1,493,480	600,000	103,000	11,157	(5) 53	1,119,982	592,152	*932,864	1,493,480
St. Johns River Terminal Company.....	443,111,165	2,340,777	1,519,999	2,131	2,363,134	25,893,451	5,713,663	46,507,225	7,494,517	3,141,068	538,087,130	117,012,117	227,887,625	10,547,114	(6) 3,779,469	98,789,817	3,649,393	76,421,595	538,087,130
St. Louis-San Francisco Railway Company.....	2,151,579				2,566	1,368		188,040	3,820	12,096	2,359,469	100,000	1,878,642	52,625	(7) 1,901	102,642	55,602	168,057	2,359,469
Seaboard Air Line Railway Company.....	407,666,629			402,281	734,152	23,782,848	11,530,186	14,535,968	1,174,003	1,163,281	460,989,348	114,701,526	231,807,458	146,140,850	(8) 904,617	50,516,077	1,305,673	*84,387,053	460,989,348
Tampa Northern Railroad Company.....	257,232,049	1,834,833		85,840	3,660,765	28,763,494	1,868,192	11,023,650	546,868	1,411,531	306,427,222	85,110,662	143,831,684	116,527,904	(9) 924,449	36,493,889	943,045	*77,404,411	306,427,222
Tampa Union Station Company.....	2,470,455				11,153			956,133	2,050	44,584	3,484,375	750,000	1,709,901	1,768,134	273,340	14,974	45,136	*1,077,110	3,484,375
Tavares & Gulf Railroad Company.....	277,059				20,160			20,160	1	407	298,127	30,000	251,270	9,596		4,419		2,842	298,127
The Marianna & Blountstown Railroad Company.....	771,014				408	381		175,847	601	1,452	949,703	298,200	425,000	44,863		37,161	3,770	140,709	949,703
The South Georgia Railway Company.....	244,554					1,500		16,690		7,930	270,674	120,000	218,664	11,425		25,803	1,127	*106,345	270,674
Trans Florida Central Railroad Company.....	646,820				17,382	694	9,058	42,896		236	717,086	616,700		1,371		111,248		*12,233	717,086
Trans Florida Central Railroad Company.....	97,761							667			98,428	120,163		1,751		4,985		*28,471	98,428
Total.....	\$1,509,900,790	\$ 4,809,111	\$ 1,519,999	\$ 728,080	\$ 9,548,874	\$158,699,341	\$ 19,388,516	\$ 94,218,654	\$ 58,704,367	\$ 10,552,202	\$1,868,069,934	\$463,629,598	\$838,084,592	\$316,689,652	\$ 58,455,986	\$232,571,213	\$ 13,745,273	\$*55,106,380	\$1,868,069,934

Asterisk indicates debit item or deficit.

- (1) Includes \$ 971,363 grants in aid of construction.
 (2) Includes 99,776 grants in aid of construction.
 (3) Includes 3,142 grants in aid of construction.
 (4) Includes 3,094 grants in aid of construction.
 (5) Includes 53 grants in aid of construction.
 (6) Includes 898,202 grants in aid of construction.
 (7) Includes 464 grants in aid of construction.
 (8) Includes 725,609 grants in aid of construction.
 (9) Includes 13,889 grants in aid of construction.
 (A) Ceased operations September 30, 1939.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939

PROFIT AND LOSS ACCOUNT—ENTIRE LINE

NAME OF ROAD	Balance at Beginning of Year	Balance Transferred from Income	Miscellaneous and Other Credits	Appropriations of Surplus	Miscellaneous and Other Debits	Balance at Close of Year
Alabama, Florida & Gulf Railroad.....	\$ 344	*\$ 1,994	\$	\$	\$	*\$ 1,650
Alabama & Western Florida Railroad Company.....	* 44,498	* 6,194	.....	.....	.....	* 50,692
Apalachicola Northern Railroad Company.....	* 2,700,317	* 47,479	9,817	.....	57,469	* 2,795,448
Atlanta & St. Andrews Bay Railway Company.....	536,239	225,190	* 532	* 532	13,739	* 747,690
Atlantic Coast Line Railroad Company.....	* 78,277,843	* 773,480	1,460,337	258,190	109,268	* 80,144,202
Florida East Coast Railway Company.....	* 37,397,309	* 2,091,142	598,113	3,641	174,977	* 39,068,956
Georgia & Florida Railroad.....	* 7,322,903	* 673,589	2,783	49	15,209	* 8,008,967
Georgia Southern & Florida Railway Company.....	* 1,515,614	* 169,628	37,951	901	50,069	* 1,332,967
Jacksonville, Gainesville & Gulf Railway.....	* 368,317	* 26,675	19	.....	14,869	* 409,842
Jacksonville Terminal Company.....	* 219,600	.....	.....	.....	.....	* 219,600
Live Oak, Perry & Gulf Railroad Company.....	* 901,621	54,075	.....	.....	85,318	* 932,864
Louisville & Nashville Railroad Company.....	75,191,931	7,394,231	383,652	5,856,280	691,939	76,421,595
St. Johns River Terminal Company.....	126,069	42,400	.....	.....	412	168,057
St. Louis-San Francisco Railway Company.....	* 75,006,110	* 8,754,117	29,639	* 2,529	658,994	* 84,387,053
Seaboard Air Line Railway Company.....	* 71,608,926	* 5,556,555	102,865	7,679	334,116	* 77,404,411
Tampa Northern Railroad Company.....	* 1,105,811	33,439	.....	.....	4,738	* 1,077,110
Tampa Union Station Company.....	4,029	1,200	13	2,400	.....	2,842
Tavares & Gulf Railroad Company.....	94,406	46,620	5	.....	322	140,709
The Marianna & Blountstown Railroad Company.....	* 98,498	* 7,847	.....	.....	.....	* 106,345
The South Georgia Railway Company.....	* 9,518	* 2,867	216	.....	64	* 12,233
Trans Florida Central Railroad Company.....	* 28,627	* 156	.....	.....	.....	* 28,471
Total.....	*\$ 40,626,380	*\$ 8,767,296	\$ 2,624,878	\$ 6,126,079	\$ 2,211,503	*\$ 55,106,380

Asterisk indicates debit item or deficit.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
OPERATING REVENUES—ENTIRE LINE

NAME OF ROAD	Freight	Passenger	Excess Baggage	Mail	Express	Switching	All Other	Total Revenue
Alabama, Florida & Gulf Railroad	\$ 11,702	\$ 14	\$	\$ 3,263	\$ 114	\$	\$ 22	\$ 15,115
Alabama & Western Florida Railroad Company	10,770					102		10,872
Apalachicola Northern Railroad Company	311,513	5,049	11	18,444	4,374	14,219	2,764	356,374
Atlanta & St. Andrews Bay Railway Company	846,842	3,872	7	14,667	6,558	5,528	4,436	881,910
Atlantic Coast Line Railroad Company	35,566,926	6,505,631	33,870	1,365,286	1,495,098	340,977	1,791,499	47,099,287
Florida East Coast Railway Company	5,833,618	2,409,072	17,594	310,129	296,284	15,524	379,146	9,261,367
Georgia & Florida Railroad	1,126,205	21,686	18	26,446	6,804	6,865	6,295	1,194,319
Georgia Southern & Florida Railway Company	1,601,831	460,697	1,036	131,103	39,434	2,980	72,511	2,309,592
Jacksonville, Gainesville & Gulf Railway	24,916				89	22,037	668	47,710
Jacksonville Terminal Company	(A)							
Live Oak, Perry & Gulf Railroad Company	214,606	3,205		8,694	1,376	177	2,248	230,306
Louisville & Nashville Railroad Company	76,492,009	6,013,271	27,022	2,065,110	1,557,185	837,657	1,356,002	88,348,256
St. Johns River Terminal Company						371,012	6,449	377,461
St. Louis-San Francisco Railway Company	38,586,351	3,215,508	11,658	1,308,209	665,216	1,153,255	745,106	45,685,303
Seaboard Air Line Railway Company	33,665,636	6,212,965	30,629	1,211,938	1,108,867	405,009	1,428,376	44,163,420
Tampa Northern Railroad Company						88,858		88,858
Tampa Union Station Company	(A)							
Tavares & Gulf Railroad Company	154,855				834	168	227	156,084
The Marianna & Blountstown Railroad Company	37,632			2,912	1,034	117	31	41,726
The South Georgia Railway Company	93,037	2,456		8,304	528	1,064	985	106,374
Trans Florida Central Railroad Company	1,541	26		1,200			3,316	6,083
Total	\$194,579,990	\$ 24,953,452	\$ 121,845	\$6,475,705	\$5,183,795	\$3,265,549	\$5,800,081	\$240,380,417

(A) Indicates not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
INCOME ACCOUNT—ENTIRE COMPANY

NAME OF ROAD	Railway Operating Revenues	Railway Operating Expenses	Net Revenue from Railway Operations	Railway Tax Accruals	Railway Operating Income	Net Rents	Net Railway Operating Income	Other Income	Total Income	Miscellaneous Deductions from Income	Income Avail- able for Fixed Charges	Fixed Charges	Contingent Charges	Net Income	Income Applied to Funds and Appropriated for Other Purposes	Income Balance Transferred to Profit & Loss
Alabama, Florida & Gulf Railroad.....	\$ 15,115	\$ 12,820	\$ 2,295	\$ 1,468	\$ 827	\$ * 1,582	\$ * 755	\$	\$ * 755	\$ 1,230	\$ * 1,985	\$ 9	\$	\$ * 1,994	\$	\$ * 1,994
Alabama & Western Florida Railroad Company.....	10,872	11,604	* 732	1,508	* 2,240	* 2,788	* 5,028	.....	* 5,028	.....	* 5,028	1,166	.....	* 6,194	.....	* 6,194
Apalachicola Northern Railroad Co.....	356,374	356,597	* 223	23,915	* 24,138	* 20,647	* 44,785	259	* 44,526	204	* 44,730	2,749	.....	* 47,479	.....	47,479
Atlanta & St. Andrews Bay Railway Co.....	881,910	434,171	447,739	91,670	356,069	* 45,391	310,678	4,710	315,388	420	314,968	89,778	.....	225,190	.....	225,190
Atlantic Coast Line Railroad Co.....	47,099,287	36,671,780	10,427,507	4,390,000	6,037,507	* 2,255,635	3,781,872	4,351,223	8,133,095	959,983	7,173,112	6,363,634	5,404	804,074	30,594	773,480
Florida East Coast Railway Co.....	9,261,367	7,133,545	2,127,822	781,483	1,346,339	* 602,640	743,699	90,968	834,667	23,768	810,899	2,901,931	.....	2,091,032	110	* 2,091,142
Georgia & Florida Railroad.....	1,194,319	1,046,285	148,034	89,940	58,094	* 54,677	3,417	18,402	21,819	2,422	19,397	692,986	.....	* 673,589	.....	* 673,589
Georgia Southern & Florida Railway Co.....	2,309,592	1,899,643	409,949	177,910	232,039	* 113,262	118,777	8,253	127,030	2,723	124,307	293,935	.....	* 169,628	.....	* 169,628
Jacksonville, Gainesville & Gulf Railway.....	47,710	36,220	11,490	4,543	6,947	* 2,728	4,219	843	5,062	25	5,037	31,712	.....	* 26,675	.....	* 26,675
Jacksonville Terminal Co.....	.....	.....	.....	121,510	* 121,510	323,302	201,792	27,922	229,714	9,482	220,232	220,232	.....	.....	.....	.....
Live Oak, Perry & Gulf Railroad Co.....	230,306	138,625	91,681	24,692	66,989	* 5,197	61,792	818	62,610	304	62,306	8,231	.....	54,075	.....	54,075
Louisville & Nashville Railroad Co.....	88,348,256	64,989,535	23,358,721	8,135,700	15,223,021	625,639	15,848,660	1,114,131	16,962,791	95,656	16,867,135	9,472,904	.....	7,394,231	.....	7,394,231
St. Johns River Terminal Co.....	377,461	242,027	135,434	61,908	73,526	* 9,352	64,174	61,328	125,502	.....	125,502	83,102	.....	42,400	.....	42,400
St. Louis-San Francisco Railway Co.....	45,685,303	38,359,995	7,325,308	3,757,097	3,568,211	318,540	3,886,751	149,066	4,035,817	51,246	3,984,571	12,738,688	.....	* 8,754,117	.....	* 8,754,117
Seaboard Air Line Railway Co.....	44,163,420	36,493,168	7,670,252	2,848,110	4,822,142	* 1,227,771	3,594,371	337,343	3,931,714	21,736	3,909,978	9,466,533	.....	* 5,556,555	.....	* 5,556,555
Tampa Northern Railroad Co.....	88,858	32,044	56,814	27,768	29,046	* 8,245	20,801	106,396	127,197	705	126,492	93,053	.....	33,439	.....	33,439
Tampa Union Station Co.....	.....	.....	.....	9,641	* 9,641	* 21,451	11,810	2,335	14,145	156	13,989	12,789	.....	1,200	.....	1,200
Tavares & Gulf Railroad Co.....	156,084	82,319	73,765	6,392	67,373	* 8,240	59,133	549	59,682	277	59,405	12,785	.....	46,620	.....	46,620
The Marianna & Blountstown Railroad Co.....	41,726	30,554	11,172	4,195	6,977	* 981	5,996	390	6,386	.....	6,386	14,233	.....	* 7,847	.....	* 7,847
The South Georgia Railway Co.....	106,374	83,597	22,777	10,278	12,499	* 7,047	5,452	1,546	6,998	30	6,968	9,835	.....	* 2,867	.....	* 2,867
Trans Florida Central Railroad Co.....	6,083	5,017	1,066	910	156	.....	156	.....	156	.....	156	.....	.....	156	.....	156
Total.....	\$240,380,417	\$188,059,546	\$ 52,320,871	\$ 20,570,638	\$ 31,750,233	\$ *3,077,251	\$ 28,672,982	\$ 6,276,482	\$ 34,949,464	\$ 1,170,367	\$ 33,779,097	\$ 42,510,285	\$ 5,404	\$ *8,736,592	\$ 30,704	\$* 8,767,296

Asterisk indicates debit item or deficit.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
OPERATING EXPENSES—ENTIRE LINE

NAME OF ROAD	Maintenance of Way and Structures	Maintenance of Equipment	Traffic Expenses	Transporta- tion Expenses	Miscellaneous Operations	General Expenses	Transporta- tion for Investment Credit	Total Operating Expenses
Alabama, Florida & Gulf Railroad.....	\$ 3,541	\$ 1,992	\$ 730	\$ 3,428	\$.....	\$ 3,129	\$.....	\$ 12,820
Alabama & Western Florida Railroad Company.....	3,847	1,023	79	4,896	.....	1,759	.....	11,604
Alalachicola Northern Railroad Company.....	137,357	54,042	9,982	136,480	.....	18,736	.....	356,597
Atlanta & St. Andrews Bay Railway Company.....	104,776	68,631	48,684	167,963	.....	45,679	1,562	434,171
Atlantic Coast Line Railroad Company.....	4,955,142	9,104,247	1,877,740	18,671,862	573,492	1,652,102	162,805	36,671,780
Florida East Coast Railway Company.....	1,308,421	1,799,211	310,781	3,081,009	219,731	436,456	22,064	7,133,545
Georgia & Florida Railroad.....	250,684	192,412	100,582	442,429	.....	61,376	1,198	1,046,285
Georgia Southern & Florida Railway Company.....	378,806	434,334	20,860	984,593	51,548	29,502	.....	1,899,643
Jacksonville, Gainesville & Gulf Railway.....	9,810	7,256	955	14,671	.....	3,532	4	36,220
Jacksonville, Terminal Company.....	*	.....	.....	.....	.....	.....	.....	.....
Live Oak, Perry & Gulf Railroad Company.....	48,243	17,588	5,560	50,660	.....	16,574	.....	138,625
Louisville & Nashville Railroad Company.....	9,407,133	20,288,871	2,134,135	29,987,122	436,629	2,750,490	14,845	64,989,535
St. Johns River Terminal Company.....	35,590	20,023	.....	181,816	.....	4,616	18	242,027
St. Louis-San Francisco Railway Company.....	6,816,979	10,858,778	1,427,926	17,121,667	389,476	1,851,615	106,446	38,559,995
Seaboard Air Line Railway Company.....	6,663,292	8,887,440	2,043,262	16,571,357	741,195	1,663,117	76,495	36,493,168
Tampa Northern Railroad Company.....	5,696	2,050	865	20,534	.....	2,899	.....	32,044
Tampa Union Station Company.....	*	.....	.....	.....	.....	.....	.....	.....
Tavares & Gulf Railroad Company.....	27,679	7,877	1,910	40,304	.....	4,598	49	82,319
The Marianna & Blountstown Railroad Company.....	6,067	6,990	2,017	12,174	.....	3,276	.....	30,554
The South Georgia Railway Company.....	30,879	10,993	3,243	30,293	.....	8,189	.....	83,597
Trans Florida Central Railroad Company.....	1,818	79	.....	1,354	.....	1,766	.....	5,017
Total.....	\$ 30,195,760	\$ 51,763,837	\$7,989,341	\$ 87,524,612	\$2,412,071	\$8,559,411	\$ 385,486	\$188,059,546

*-Indicates not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939

MILEAGE OPERATED—ENTIRE LINE

NAME OF ROAD	Miles of Road	Miles of Second Main Track	Miles of Passing Tracks, Cross-Overs & Turn-Outs	Miles of Way Switching Tracks	Miles of Yard Switching Tracks	Total
Alabama, Florida & Gulf Railroad.....	29.00				1.07	30.07
Alabama & Western Florida Railroad Company.....	38.00			3.92		41.92
Apalachicola Northern Railroad Company.....	99.12			12.27		111.39
Atlanta & St. Andrews Bay Railway Company.....	82.00			7.60	16.40	106.00
Atlantic Coast Line Railroad Company.....	5,103.71	688.82	339.57	387.07	800.18	7,319.35
Florida East Coast Railway Company.....	684.92	326.93	166.54	70.61	181.97	1,430.97
Georgia & Florida Railroad.....	407.88		9.31	51.07	9.07	477.33
Georgia Southern & Florida Railway Company.....	397.95	8.64	40.72	34.90	73.08	555.29
Jacksonville, Gainesville & Gulf Railway.....	36.31		3.09	3.02		42.42
Jacksonville Terminal Company.....					51.36	51.36
Live Oak, Perry & Gulf Railroad Company.....	77.00			9.78		86.78
Louisville & Nashville Railroad Company.....	4,871.30	(2) 562.90	748.92	711.01	1,246.77	8,140.90
St. Johns River Terminal Company.....					54.75	54.75
St. Louis-San Francisco Railway Company.....	4,820.00	140.44	581.11	550.42	658.84	6,750.81
Seaboard Air Line Railway Company.....	4,313.76	63.76	532.90	472.65	430.04	5,813.11
Tampa Northern Railroad Company.....					2.72	2.72
Tampa Union Station Company.....	(1)					
Tavares & Gulf Railroad Company.....	37.71		1.91	3.03		42.65
The Marianna & Blountstown Railroad Company.....	29.00				4.75	33.75
The South Georgia Railway Company.....	77.48			11.62		89.10
Trans Florida Central Railroad Company.....	10.79				2.01	12.80
Total.....	21,115.93	1,791.49	2,424.07	2,328.97	3,533.01	31,193.47

(1)—Tracks operated jointly by railroads entering Tampa.

(2)—Includes 2.05 miles of all other main tracks.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939

RAIL-LINE OPERATIONS—ENTIRE LINE

NAME OF ROAD	Total Revenue Passengers Carried	Average Miles Passengers Carried	Average Revenue Per Passenger Carried	Total Tons Revenue Freight Hauled	Average Miles Per Ton Hauled	Average Revenue per Ton Hauled
Alabama, Florida & Gulf Railroad.....	\$ 49	13.49	\$.29	5,457	25.75	\$ 2.14
Alabama & Western Florida Railroad Company.....				26,831	30.00	.40
Apalachicola Northern Railroad Company.....	8,966	31.80	.56	516,407	90.95	.60
Atlanta & St. Andrews Bay Railway Company.....	8,975	44.07	.43	1,007,623	68.80	.84
Atlantic Coast Line Railroad Company.....	1,686,559	107.19	3.86	15,517,815	169.74	2.29
Florida East Coast Railway Company.....	439,038	276.01	5.49	1,463,965	237.29	3.98
Georgia & Florida Railroad.....	52,956	26.56	.41	825,972	109.98	1.36
Georgia Southern & Florida Railway Company.....	144,048	170.07	3.20	1,003,163	175.66	1.60
Jacksonville, Gainesville & Gulf Railway.....				24,130	22.90	1.03
Jacksonville, Terminal Company.....	*					
Live Oak, Perry & Gulf Railroad Company.....	11,254	18.00	.28	180,642	42.00	1.19
Louisville & Nashville Railroad Company.....	3,202,442	109.35	1.88	42,093,172	224.22	1.82
St. Johns River Terminal Company.....	*					
St. Louis-San Francisco Railway Company.....	1,063,003	152.27	3.02	15,185,142	239.78	2.54
Seaboard Air Line Railway Company.....	1,411,888	252.85	4.47	15,589,384	191.94	2.16
Tampa Northern Railroad Company.....	*					
Tampa Union Station Company.....	*					
Tavares & Gulf Railroad Company.....				88,555	28.39	1.75
The Marianna & Blountstown Railroad Company.....				58,657	23.22	.64
The South Georgia Railway Company.....	7,824	14.84	.31	106,426	74.33	.87
Trans Florida Central Railroad Company.....	142	10.79	.18	1,609	10.79	.96

*—Indicates not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
INVESTMENT IN ROAD AND EQUIPMENT—STATE OF FLORIDA

NAME OF ROAD	Miles of Road Owned Florida	Investment in Road	Investment in Equipment	Other Investments	Total Investment
Alabama, Florida & Gulf Railroad.....	9.91	\$ 2,859	\$ 1,180	\$ 10	\$ 4,049
Alabama & Western Florida Railroad Company.....	19.25	129,527	5,994	6,223	141,744
Apalachicola Northern Railroad Company.....	98.68	2,842,164	183,805		3,025,969
Atlanta & St. Andrews Bay Railway Company.....	66.00	1,695,774	195,971		1,891,745
Atlantic Coast Line Railroad Company.....	1,850.63	74,456,130	19,076,793	93,133	93,626,056
Florida East Coast Railway Company.....	679.02	66,453,202	14,203,532	1,268,248	81,924,982
Georgia & Florida Railroad.....	12.71	170,383	33,712	178	203,917
Georgia Southern & Florida Railway Company.....	152.90	4,135,360	1,020,581	1,359	5,157,300
Jacksonville, Gainesville & Gulf Railway.....	36.31	370,332	7,791	4,799	382,922
Jacksonville Terminal Company.....	39.70	4,282,738	231,384	182,297	4,696,419
Live Oak, Perry & Gulf Railroad Company.....	84.50	1,383,195	51,448		1,434,643
Louisville & Nashville Railroad Company.....	241.79	7,761,658	2,716,243	7,593	10,485,494
St. Johns River Terminal Company.....	40.99	2,098,435	53,144		2,151,579
St. Louis-San Francisco Railway Company.....	47.53	2,915,224	417,643	14,357	3,347,224
Seaboard Air Line Railway Company.....	917.76	51,982,026	15,868,418	153,932	68,004,376
Tampa Northern Railroad Company.....	49.47	2,347,999		122,456	2,470,455
Tampa Union Station Company.....	1.72	259,958		17,601	277,559
Tavares & Gulf Railroad Company.....	34.32	687,429	45,255	38,330	771,014
The Marianna & Blountstown Railroad Company.....	29.00	221,191	23,388	25	244,554
The South Georgia Railway Company.....	40.49	289,366	31,194	2,905	323,465
Trans Florida Central Railroad Company.....	16.04	92,946	1,055	3,760	97,761
Total.....	4,468.72	\$224,577,896	\$ 54,168,531	\$ 1,916,800	\$280,663,227

*—Asterisk indicates credit item.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
OPERATING REVENUES—STATE OF FLORIDA

NAME OF ROAD	Freight	Passenger	Excess Baggage	Mail	Express	Switching	All Other	Total Revenue
Alabama, Florida & Gulf Railroad.....	\$ 3,125	\$ 2	\$	\$ 1,116	\$ 37	\$	\$ 5	\$ 4,285
Alabama & Western Florida Railroad Company.....	10,770					102		10,872
Apalachicola Northern Railroad Company.....	311,513	5,049	11	18,444	4,374	14,219	2,764	356,374
Atlanta & St. Andrews Bay Railway Company.....	712,845	3,256	6	11,805	5,279	4,471	3,691	741,353
Atlantic Coast Line Railroad Company.....	8,931,910	1,079,775	8,867	344,926	605,422	86,473	873,231	11,930,604
Florida East Coast Railway Company.....	5,833,618	2,409,072	17,594	310,129	296,284	15,524	379,146	9,261,367
Georgia & Florida Railroad.....	10,608	438		355	118	105	77	11,701
Georgia Southern & Florida Railway Company.....	231,887	93,081	221	25,841	7,225	45	15,604	373,904
Jacksonville, Gainesville & Gulf Railway.....	24,916				89	22,037	668	47,710
Jacksonville Terminal Company.....	*							
Live Oak, Perry & Gulf Railroad Company.....	214,606	3,205		8,694	1,376	177	2,248	230,306
Louisville & Nashville Railroad Company.....	1,072,756	173,331	889	53,199	44,618	23,599	255,042	1,623,434
St. Johns River Terminal Company.....						371,012	6,449	377,461
St. Louis-San Francisco Railway Company.....	130,273	5,603	86	4,862	2,473	36,688	17,468	197,453
Seaboard Air Line Railway Company.....	9,587,086	2,042,908	11,971	288,537	433,404	124,734	784,343	13,272,983
Tampa Northern Railroad Company.....						88,858		88,858
Tampa Union Station Company.....	*							
Tavares & Gulf Railroad Company.....	154,855				834	168	227	156,084
The Marianna & Blountstown Railroad Company.....	37,632			2,912	1,034	117	31	41,726
The South Georgia Railway Company.....	52,634	991		4,436	285	1,022	440	59,808
Trans Florida Central Railroad Company.....	1,541	26		1,200			3,316	6,083
Total.....	\$ 27,322,575	\$5,816,737	\$ 39,645	\$1,076,456	\$1,402,852	\$ 789,351	\$2,344,750	\$ 38,792,366

*—Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
OPERATING EXPENSES—STATE OF FLORIDA

NAME OF ROAD	Maintenance of Way & Structures	Maintenance of Equipment	Traffic Expenses	Transporta- tion Expenses	Miscel- laneous Operations	General Expenses	Transporta- tion for Investment —Credit	Total Operating Expenses
Alabama, Florida & Gulf Railroad.....	\$ 1,211	\$ 681	\$ 250	\$ 1,172	\$.....	\$ 1,070	\$.....	\$ 4,384
Alabama & Western Florida Railroad Company.....	3,847	1,023	79	4,896	.....	1,759	.....	11,604
Apalachicola Northern Railroad Company.....	137,357	54,042	9,982	136,480	.....	18,736	.....	356,597
Atlanta & St. Andrews Bay Railway Company.....	84,334	55,241	39,186	135,193	.....	36,767	1,257	349,464
Atlantic Coast Line Railroad Company.....	1,228,195	2,242,378	468,343	4,647,402	124,431	415,517	42,881	9,083,385
Florida East Coast Railway Company.....	1,308,421	1,799,211	310,781	3,081,009	219,731	436,456	22,064	7,133,545
Georgia & Florida Railroad.....	6,802	2,721	681	10,676	.....	1,231	24	22,087
Georgia Southern & Florida Railway Company.....	113,330	77,935	3,860	243,250	10,899	7,451	.....	456,725
Jacksonville, Gainesville & Gulf Railway.....	9,810	7,256	955	14,671	.....	3,532	4	36,220
Jacksonville Terminal Company.....	*	.....	.....	.....	.....	.....	.....	.....
Live Oak, Perry & Gulf Railroad Company.....	48,243	17,588	5,560	30,660	.....	16,574	.....	138,625
Louisville & Nashville Railroad Company.....	397,390	442,428	44,280	876,243	25,581	75,539	122	1,861,339
St. Johns River Terminal Company.....	35,590	20,023	.....	181,816	.....	4,616	18	242,027
St. Louis-San Francisco Railway Company.....	175,046	50,848	4,931	149,867	24	19,215	662	399,269
Seaboard Air Line Railway Company.....	2,002,606	2,671,058	614,088	4,980,405	222,761	499,838	22,990	10,967,766
Tampa Northern Railroad Company.....	5,696	2,050	865	20,534	.....	2,899	.....	32,044
Tampa Union Station Company.....	*	.....	.....	.....	.....	.....	.....	.....
Tavares & Gulf Railroad Company.....	27,679	7,877	1,910	40,304	.....	4,598	49	82,319
The Marianna & Blountstown Railroad Company.....	6,067	6,990	2,047	12,174	.....	3,276	.....	30,554
The South Georgia Railway Company.....	15,341	5,485	1,618	15,116	.....	4,087	.....	41,647
Trans Florida Central Railroad Company.....	1,818	79	.....	1,354	.....	1,766	.....	5,017
Total.....	\$ 5,608,783	\$ 7,464,914	\$1,509,416	\$ 14,603,222	\$ 603,427	\$1,554,927	\$ 90,071	\$ 31,254,618

*—Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
MILEAGE OPERATED (Exclusive of Yard Tracks)—STATE OF FLORIDA

NAME OF ROAD	Line Owned Main Line	Line Owned Branches and Spurs	Lines of Proprietary Companies	Lines Operated under Lease	Lines Operated under Contract	Lines Operated under Track- age Rights	Total Mileage Operated	New Lines Constructed During Year
Alabama, Florida & Gulf Railroad.....	9.91	-----	-----	-----	-----	-----	9.91	-----
Alabama & Western Florida Railroad Company.....	19.25	-----	-----	18.75	-----	-----	38.00	-----
Apalachicola Northern Railroad Company.....	95.62	3.06	-----	-----	-----	.44	99.12	-----
Atlanta & St. Andrews Bay Railway Company.....	66.00	-----	-----	-----	-----	-----	66.00	-----
Atlantic Coast Line Railroad Company.....	1,081.18	763.82	161.73	14.75	-----	9.85	2,031.33	-----
Florida East Coast Railway Company.....	426.00	253.02	-----	-----	5.11	.79	684.92	-----
Georgia & Florida Railroad.....	12.71	-----	-----	-----	-----	-----	12.71	-----
Georgia Southern & Florida Railway Company.....	152.90	-----	-----	-----	-----	5.37	158.27	-----
Jacksonville, Gainesville & Gulf Railway.....	36.31	-----	-----	-----	-----	-----	36.31	-----
Jacksonville Terminal Company.....	39.70	-----	-----	-----	-----	11.66	51.36	.04
Live Oak, Perry & Gulf Railroad Company.....	64.00	12.00	-----	-----	-----	1.00	77.00	-----
Louisville & Nashville Railroad Company.....	204.71	37.08	-----	-----	-----	.98	242.77	-----
St. Johns River Terminal Company.....	37.94	-----	-----	-----	-----	16.81	54.75	-----
St. Louis-San Francisco Railway Company.....	45.19	2.34	-----	-----	-----	-----	47.53	-----
Seaboard Air Line Railway Company.....	877.33	37.73	140.30	625.49	-----	6.52	1,687.37	-----
Tampa Northern Railroad Company.....	2.72	-----	-----	-----	-----	-----	2.72	-----
Tampa Union Station Company.....	(1)	-----	-----	-----	-----	-----	-----	-----
Tavares & Gulf Railroad Company.....	34.32	-----	-----	-----	-----	3.39	37.71	-----
The Marianna & Blountstown Railroad Company.....	29.00	-----	-----	-----	-----	-----	29.00	-----
The South Georgia Railway Company.....	40.49	-----	-----	-----	-----	-----	40.49	-----
Trans Florida Central Railroad Company.....	10.68	-----	-----	-----	-----	11	10.79	-----
Total.....	3,285.96	1,109.05	302.03	658.99	5.11	56.92	5,418.06	.04

(1)—Tracks operated jointly by railroads entering Tampa

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1939
TONS OF REVENUE FREIGHT CARRIED—STATE OF FLORIDA

NAME OF ROAD	Products of Agriculture	Animals and Products	Products of Mines	Products of Forests	Manufactures and Miscellaneous	Merchandise All L.C.L. Freight	Grand Total
Alabama, Florida & Gulf Railroad.....	4,029		30		587	237	4,883
Alabama & Western Florida Railroad Company.....			4,697	21,983	141	10	26,831
Apalachicola Northern Railroad Company.....	76	378	19,292	418,072	75,603	2,986	516,407
Atlanta & St. Andrews Bay Railway Company.....	9,567	10	21,297	610,063	360,489	3,480	1,004,906
Atlantic Coast Line Railroad Company.....	1,002,464	56,937	3,408,457	1,057,558	1,519,341	115,679	7,160,436
Florida East Coast Railway Company.....	244,328	45,692	168,714	240,772	706,114	58,345	1,463,965
Georgia & Florida Railroad.....	2,329	613	6,471	14,358	22,526	1,343	47,640
Georgia Southern & Florida Railway Company.....	69,197	24,589	83,953	82,365	224,314	18,301	502,719
Jacksonville, Gainesville & Gulf Railway.....	2,452	60	2,168	18,866	481	103	24,130
Jacksonville Terminal Company.....	*						
Live Oak, Perry & Gulf Railroad Company.....	6,332		5,681	151,307	14,880	2,442	180,642
Louisville & Nashville Railroad Company.....	43,744	7,868	190,344	466,576	379,511	25,639	1,113,682
St. Johns River Terminal Company.....	*						
St. Louis-San Francisco Railway Company.....	23,125	1,091	57,509	93,566	123,552	3,368	302,211
Seaboard Air Line Railway Company.....	739,042	56,767	3,380,285	1,093,546	1,121,757	124,323	6,515,720
Tampa Northern Railroad Company.....	*						
Tampa Union Station Company.....	*						
Tavares & Gulf Railroad Company.....	75,496		671	8,211	3,909	268	88,555
The Marianna & Blountstown Railroad Company.....	322	12	822	50,281	6,358	862	58,657
The South Georgia Railway Company.....	6,086		4,678	59,648	10,150	350	80,912
Trans Florida Central Railroad Company.....			224	125	1,110	150	1,609
Total.....	2,228,589	194,017	7,355,293	4,387,297	4,570,823	357,886	19,093,905

*—Not applicable.

WRECK AND ACCIDENT REPORT—RAILROAD

1940

CLASSIFICATION OF WRECKS AND ACCIDENTS	Apalachicola Northern R. R. Co.	Atlanta and St. Andrews Bay Railway	Atlantic Coast Line Railroad	Florida East Coast Railway	Louisville & Nashville Railroad Co.	Seaboard Air Line Railway	Total
I. COLLISIONS:							
1. Negligence or carelessness of employees.....			2	2		5	9
2. Weather conditions.....						1	1
3. Mechanical equipment, signals, etc.....							
II. DERAILMENTS:							
1. Negligence or carelessness of employees.....			1				1
2. Washouts, etc.....							
3. Track defects.....	1		1			2	4
4. Way and structure defects.....							
5. Car equipment defects.....			1	2		2	5
6. Engine equipment defects.....						2	2
7. Not otherwise classified.....			1	4			5
III. EXPLOSIONS:							
1. Negligence or carelessness of employees.....				1		1	2
2. Defective equipment.....							
IV. MISCELLANEOUS:							
1. Improper loading.....							
2. Animal on track.....							1
3. Other obstruction on track.....							
4. Criminal intent, tampered switches, etc.....							

WRECK AND ACCIDENT REPORT—RAILROAD

1940

CLASSIFICATION OF WRECKS AND ACCIDENTS	Apalachicola Northern R. R. Co.	Atlanta and St. Andrews Bay Railway	Atlantic Coast Line Railroad	Florida East Coast Railway	Louisville & Nashville Railroad Co.	Seaboard Air Line Railway	Total
V. PERSONAL ACCIDENTS:							
1. Employees on duty.....				1			1
2. Employees off duty.....			2				2
3. Passengers.....			2				2
4. Trespassers—							
a. Walking on track, crossing track.....		1		3		14	18
b. At public crossing.....				2	2	2	6
c. Beating way on train.....				4		4	8
d. Suicide.....			1	1		1	3
e. Other causes.....			6	3	4	9	22
VI. GRADE CROSSINGS:							
1. Automobile accidents.....	2	2	17	70	11	22	124
2. Other vehicle accidents.....			1			2	3
CASUALTIES:							
Employees killed.....	1		4	3		6	13
Employees wounded.....			7	3		3	13
Others killed.....	1		19	22	4	39	85
Others wounded.....	2	1	47	62	16	54	182
DAMAGE:							
Track.....	\$ 425.00		\$ 6,680.49	\$ 4,407.51		\$ 7,099.00	\$ 18,612.00
Equipment.....	2,500.00	\$ 5.00	52,564.00	61,103.89		54,088.65	170,261.54

Bridge Companies

**STATISTICS OF BRIDGE COMPANIES
GENERAL BALANCE SHEET AT DECEMBER 31, 1939**

ASSETS	Gandy Bridge Company	Pensacola Bridge Corporation	Tampa- Clearwater Bridge Co.
Investment in road and equipment.....	\$ 3,663,925.84	\$ 1,809,910.89	\$ 712,750.32
Sinking funds.....	109.18		
Miscellaneous physical property.....	162,487.34	489,706.10	
Other investments—miscellaneous.....		53,443.22	
Current assets.....	321,438.79	53,800.65	8,399.97
Deferred assets.....			562.82
Rent and insurance premiums paid in advance.....	4,308.55	18,658.79	9,959.66
Discount on funded debt.....	82,962.01	451,858.22	
Other unadjusted debits.....	1,396,517.50	46,696.71	
Grand Total.....	\$ 5,631,749.21	\$ 2,924,074.58	\$ 731,672.68
LIABILITIES			
Capital stock.....	\$ 2,584,737.50	\$ 600,600.00	\$ 115,000.00
Funded debt unmatured.....	1,410,000.00	2,747,500.00	455,000.00
Current liabilities.....	29,992.35	2,348.38	13,820.39
Unadjusted credits.....	1,049,101.96	587,885.93	114,174.10
Appropriated surplus.....	217,724.25		
Profit and loss.....	340,193.15	* 1,014,259.73	33,678.19
Grand Total.....	\$ 5,631,749.21	\$ 2,924,074.58	\$ 731,672.68

*—Indicates debit item or deficit.

**STATISTICS OF BRIDGE COMPANIES
PROFIT AND LOSS ACCOUNT—CALENDAR YEAR 1939**

ITEMS	Gandy Bridge Company	Pensacola Bridge Corporation	Tampa- Clearwater Bridge Co.
Credit balance at beginning of year.....	\$ 320,027.61	\$	\$ 16,387.18
Credit balance transferred from income.....	99,910.12		17,291.01
Credits from retired road and equipment.....		186.58	
Miscellaneous credits.....	24,615.65	1,175.95	
Debit balance carried to balance sheet.....		1,014,259.73	
Total credits.....	\$ 444,553.38	\$ 1,015,622.26	\$ 33,678.19
Debit balance at beginning of year.....	\$	\$ 927,079.59	\$
Debit balance transferred from income.....		85,293.61	
Surplus applied to sinking and other reserve funds.....	25,296.26		
Dividend appropriations of surplus.....	75,000.00		
Debits from retired road and equipment.....		249.90	
Miscellaneous debits.....	4,063.97	2,999.16	
Credit balance carried to balance sheet.....	340,193.15		33,678.19
Total debits.....	\$ 444,553.38	\$ 1,015,622.26	\$ 33,678.19

**STATISTICS OF BRIDGE COMPANIES
INCOME ACCOUNT—CALENDAR YEAR 1939**

NAME OF ACCOUNTS	Gandy Bridge Company	Pensacola Bridge Corporation	Tampa- Clearwater Bridge Co.
Operating revenues—tolls.....	\$ 388,064.60	\$ 94,145.95	\$ 129,573.45
Operating expenses.....	166,486.00	94,981.12	84,645.96
Net revenue from bridge operation.....	\$ 221,578.60	\$ * 835.17	\$ 44,927.49
Bridge tax accruals.....	40,163.24	4,852.87	8,521.48
Bridge operating income.....	\$ 181,415.36	\$ * 5,687.99	\$ 36,406.01
Other income.....	4,550.00	42,575.15	13.71
Total income.....	\$ 185,965.36	\$ 36,887.16	\$ 36,419.72
Miscellaneous deductions from income.....	2,878.98	80,013.25	
Income available for fixed charges.....	\$ 183,086.38	\$ * 43,126.00	\$ 36,419.72
Fixed charges.....	83,176.26	42,167.52	19,128.71
Income balance transferred to profit and loss.....	\$ 99,910.12	\$ * 85,293.61	\$ 17,291.01

*—Indicates debit item or deficit.

Express Companies

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1939
GENERAL BALANCE SHEET—AT DECEMBER 31, 1939

ASSETS	Railway Express Agency, Incorporated
Real property and equipment.....	\$ 41,624,029
Miscellaneous physical property.....	3,821,363
Investments in affiliated companies, stocks.....	28,500
Other Investments;	
Stocks.....	300
Bonds.....	749,773
Notes.....	3,500
Cash.....	19,061,895
Special deposits.....	21,378
Loans and notes receivable.....	3,549
Traffic balances receivable.....	309,085
Net balances receivable from agents and messengers.....	5,439,473
Miscellaneous accounts receivable.....	1,209,544
Material and supplies.....	571,309
Interest, dividends, and rents receivable.....	7,512
Working fund advances.....	10,805
Other current assets.....	58,994
Rents and insurance premiums paid in advance.....	67,773
Taxes paid in advance.....	389,782
Discount on funded debt.....	166,285
Other unadjusted debits.....	244,189
Grand Total.....	\$ 73,789,038
LIABILITIES	
Capital stock.....	\$ 100,000
Funded debt unmatured.....	28,741,904
Traffic balances payable.....	8,479
Audited accounts and wages unpaid.....	5,068,143
Miscellaneous accounts payable.....	2,690,331
Matured interest, dividends and rents unpaid.....	1,514
Matured funded debt unpaid.....	19,000
Miscellaneous advances payable.....	7,920
Unpaid money orders, checks, and drafts.....	1,871,097
Express privilege liabilities.....	6,769,899
Estimated tax liability.....	1,770,685
Unmatured interest, dividends, and rents payable.....	80,797
Other current liabilities.....	497,166
Other deferred liabilities.....	1,598
Operating and insurance reserves.....	906,368
Accrued depreciation: buildings and equipment.....	24,396,444
Accrued depreciation: miscellaneous physical property.....	841,558
Other unadjusted credits.....	16,135
Grand Total.....	\$ 73,789,038

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1939
INVESTMENT IN REAL PROPERTY AND EQUIPMENT—
ENTIRE COMPANY AND STATE OF FLORIDA

NAME OF ACCOUNT	RAILWAY EXPRESS AGENCY, INC.	
	Entire Company	State of Florida
Lane.....	\$ 5,484,471	\$ 213,817
Buildings and appurtenances on land owned.....	6,577,378	186,392
Buildings and appurtenances on land not owned.....	3,498,945	688,124
Improvements to buildings not owned.....	103,983	412
Cars.....	943,521	-----
Automobiles.....	17,399,237	253,788
Office furniture and equipment.....	1,115,054	30,031
Office sales.....	420,718	6,374
Trucks.....	2,612,767	94,041
Garage equipment.....	461,531	2,694
Line equipment.....	236,818	-----
Shop equipment.....	173,419	3,172
Miscellaneous equipment.....	10,424	-----
Minor equipment.....	2,585,763	-----
Total real property and equipment.....	\$ 41,624,029	\$ 1,478,845
Depreciation Reserve—Buildings and Equipment.....	\$ 24,396,444	\$ 567,426

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1939
PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

I T E M	Railway Express Agency Incorporated
Credit balance transferred from income.....	\$ 1,753
Unrefundable overcharges.....	335
Miscellaneous profit and loss credits.....	10,575
Total credits.....	\$ 12,663
Miscellaneous profit and loss debits.....	\$ 12,663
Total debits.....	\$ 12,663

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1939
INCOME ACCOUNT—ENTIRE COMPANY

I T E M	Railway Express Agency Incorporated
OPERATING INCOME	
Charges for transportation.....	\$ 167,179,377
Express privileges—debit.....	57,802,646
Revenue from transportation.....	\$ 109,376,731
Revenue from operations other than transportation.....	2,599,551
Total operating revenues.....	\$ 111,976,282
Operating expenses.....	104,158,592
Net operating revenue.....	\$ 7,817,690
Uncollectible revenue from transportation.....	20,369
Express taxes.....	6,966,817
Operating income.....	\$ 830,504
OTHER INCOME	
Rent from real property and equipment used jointly.....	\$ 26
Dividend income.....	10
Income from funded securities.....	25,632
Income from unfunded securities and accounts.....	4,102
Miscellaneous income.....	162,407
Total Other Income.....	\$ 192,177
Gross Income.....	\$ 1,022,681
DEDUCTIONS FROM GROSS INCOME	
Rent for real property and equipment used jointly.....	\$ 31
Miscellaneous taxes.....	44,502
Net loss on miscellaneous physical property.....	20,207
Interest on funded debt.....	916,946
Interest on unfunded debt.....	765
Amortization of discount on funded debt.....	38,272
Miscellaneous income debits.....	206
Total deductions from gross income.....	\$ 1,020,929
Net Income—Transferred to Profit and Loss.....	\$ 1,752

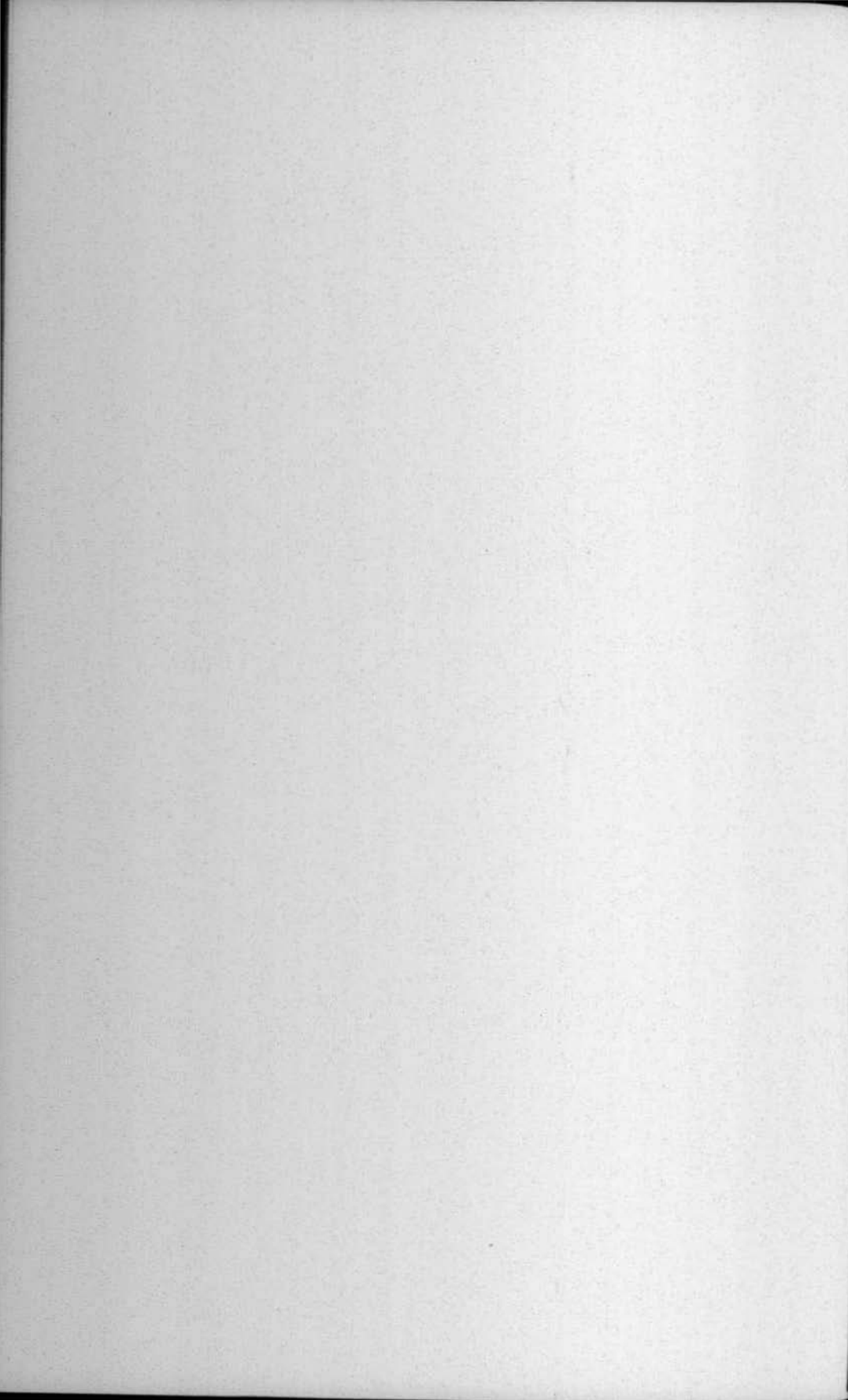
STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1939
OPERATING REVENUES—
ENTIRE COMPANY AND STATE OF FLORIDA

A C C O U N T	RAILWAY EXPRESS AGENCY, INC.	
	Entire Company	State of Florida
TRANSPORTATION		
Express domestic.....	\$ 164,708,922	\$
Miscellaneous.....	2,470,455	.....
Total Transportation.....	\$ 167,179,377	\$ 3,855,666
Contract payments—express privileges.....	57,802,646	1,428,267
Revenue from transportation.....	\$ 109,376,731	\$ 2,427,399
OPERATIONS OTHER THAN TRANSPORTATION		
Customs brokerage fees.....	\$ 156,325	\$
Order and commission.....	5,958	.....
Rent of buildings and other property.....	48,650	.....
C.O.D. checks.....	1,630,613	.....
Profit on exchange and other financial revenue.....	107	.....
Miscellaneous.....	757,898	.....
Total other than transportation.....	\$ 2,599,551	\$ 71,939
Total Operating Revenues.....	\$ 111,976,282	\$ 2,499,338

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1939
OPERATING EXPENSES—
ENTIRE COMPANY AND STATE OF FLORIDA

A C C O U N T	RAILWAY EXPRESS AGENCY, INC.	
	Entire Company	State of Florida
Maintenance.....	\$ 4,913,791	\$ 113,656
Traffic.....	691,639	15,998
Transportation.....	94,164,511	2,178,403
General.....	4,388,651	101,509
Total operating expenses.....	\$ 104,158,592	\$ 2,409,566
Ratio of Operating Expenses to Revenue—per cent.....	93.02	96.41

**Sleeping Car
Companies**



STATISTICS OF SLEEPING CAR COMPANIES—CALENDAR YEAR 1939

GENERAL BALANCE SHEET—ENTIRE LINE

Balance at December 31, 1939

ASSETS	The Pullman Company
Investment in sleeping car property Investment in stocks Investment in bonds Cash Loans and bills receivable Net balance receivable from receiving cashiers and ticket agents Miscellaneous accounts receivable Material and supplies Interest and dividends receivable Other current assets Working fund advances Insurance and other funds Other deferred assets Rents and insurance premiums paid in advance Other unadjusted debits	\$ 253,796,784.04 278,951.00 7,958,303.89 23,199,050.73 3,602.35 1,029,534.21 2,665,457.85 5,527,480.76 44,521.56 215,209.77 21,580.00 665,551.82 798,068.33 25,323.04 4,120,772.84
Grant Total.....	\$ 300,350,192.19
LIABILITIES	
Capital stock Wages payable Miscellaneous accounts payable Dividends matured unpaid Other current liabilities Liability for provident funds Other deferred liabilities Tax liability Insurance and casualty reserves Operating reserves Accrued depreciation—equipment Accrued depreciation—buildings, appurtenances and grounds Other unadjusted credits Miscellaneous fund reserves Appropriated surplus not specifically invested Profit and loss—credit balance	\$ 108,135,000.00 1,063,217.00 3,924,615.96 1,012.30 2,282.92 374,841.32 1,539.81 2,174,631.32 381,071.20 14,000.00 158,509,477.13 4,668,664.50 6,054,822.12 4,370,613.61 1,904,040.32 8,770,362.68
Grand Total.....	\$ 300,350,192.19

STATISTICS OF SLEEPING CAR COMPANIES—CALENDAR YEAR 1939
 OPERATING REVENUES AND EXPENSES—
 ENTIRE COMPANY AND STATE OF FLORIDA

NAME OF ACCOUNT	THE PULLMAN COMPANY	
	Entire Company	State of Florida
OPERATING REVENUES		
Standard sleeping car berth revenue.....	\$ 47,195,493.21	\$ 1,337,308.98
Tourist sleeping car berth revenue.....	4,046,950.30	1,147.00
Other car berth revenue.....	1,145.35	55.22
Standard sleeping car seat revenue.....	1,182,694.31	46,348.42
Tourist sleeping car seat revenue.....	8,229.59	
Parlor car seat revenue.....	2,583,142.87	130.76
Composite car seat revenue.....	14,236.25	1,048.08
Other car seat revenue.....	159.50	
Charter of standard sleeping cars—per diem rates.....	216,170.06	5,459.25
Charter of standard sleeping cars—berth rates.....	217,383.71	
Charter of tourist sleeping cars—per diem rates.....	161,738.85	
Charter of tourist sleeping cars—berth rates.....	319.80	
Charter of private cars—per diem rates.....	69,974.98	4,235.83
Charter of other cars to other than carriers—per diem rates.....	285.00	
Charter of other cars—berth or seat rates.....	5,285.95	
Charter of other cars to carriers—other rates.....	408,727.94	14,622.14
Miscellaneous revenue.....	59,364.48	1,175.42
Car mileage revenue.....	6,298,259.35	141,191.22
Contract revenue—debit.....	3,945,887.55	206,537.96
Total Revenues.....	\$ 58,523,673.95	\$ 1,346,184.36
OPERATING EXPENSES		
Maintenance.....	\$ 27,217,254.45	\$ 555,519.47
Conducting car operations.....	21,943,040.08	448,031.05
General expenses.....	3,734,291.43	75,477.91
Total Operating Expenses.....	\$ 52,894,585.96	\$ 1,079,028.43
Ratio of Expenses to Revenue—per cent.....	90.38	80.16
Taxes—Sleeping car accruals only.....	\$ 3,710,313.95	\$ 72,752.89

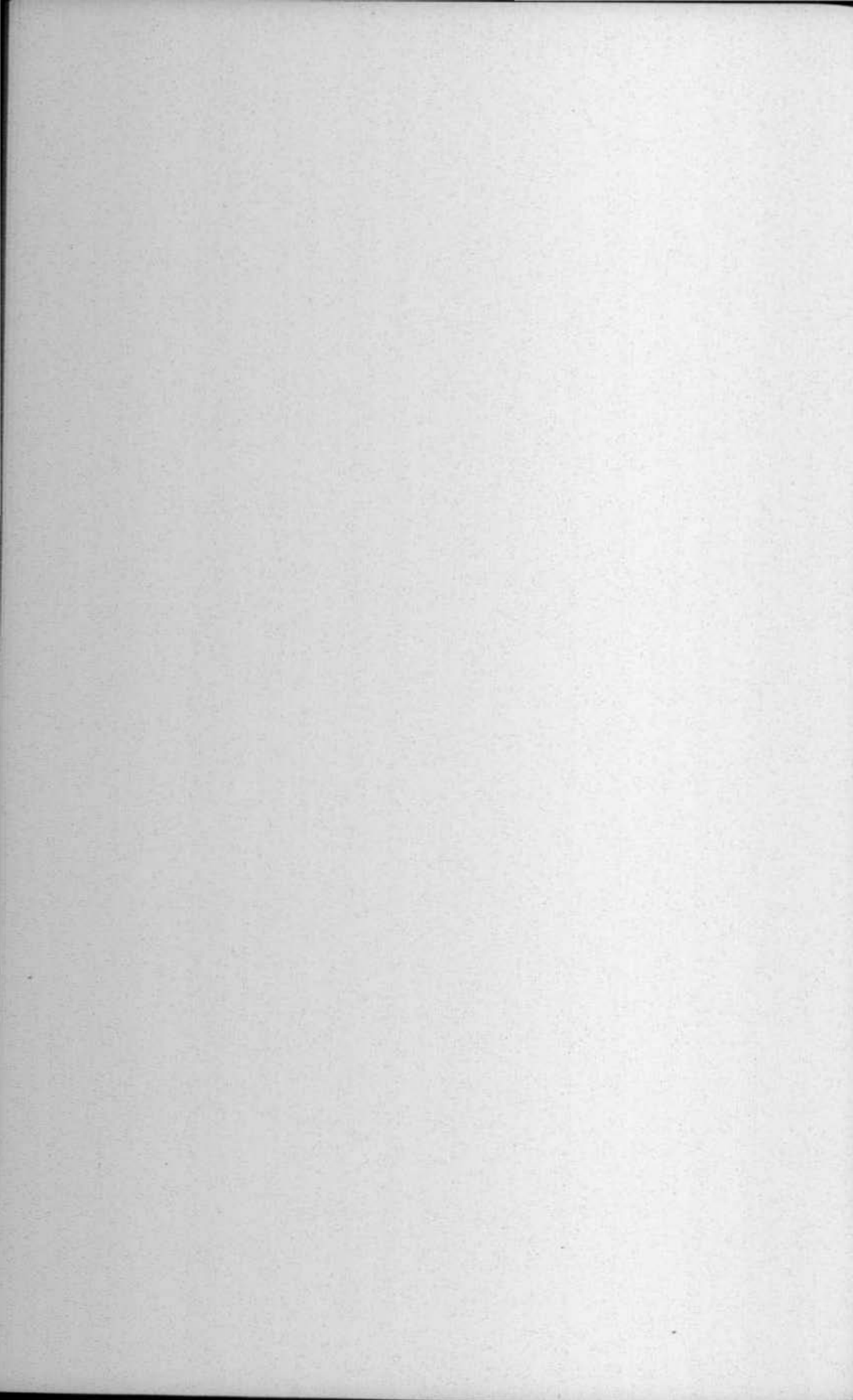
STATISTICS OF SLEEPING CAR COMPANIES—CALENDAR YEAR 1939

OPERATING AND STATISTICAL STATEMENT—ENTIRE COMPANY

KIND OF CAR	NUMBER OF PASSENGERS			Number of Non revenue Passengers	Car Miles	Car Days	Average Revenue per Passenger	
	Berth	Seat	Total				Berth	Seat
CONTRACT OPERATIONS								
Standard sleeping cars.....	10,337,082	1,243,492	11,580,574	405,813	687,009,001	1,526,647	\$ 4.57	\$.95
Tourist sleeping cars.....	1,212,691	11,161	1,223,852	22,763	82,479,036	157,292	3.34	.74
Parlor cars.....		2,828,559	2,828,559	47,739	42,445,719	150,885		.91
Composite cars.....		21,902	21,902	285	13,345,062	25,136		.65
Miscellaneous cars.....	174	74	248		466,315	1,515	6.58	2.16
Total—Contract Operations.....	11,549,947	4,105,188	15,655,135	476,600	825,745,133	1,861,475	\$ 4.44	\$.92

STATISTICS	Total	STATISTICS	Dollars	Cents	Mills
Average number of car-miles per car-day.....	443,596	Sleeping car operations—revenues.....	\$ 58,523,673	95	
Average number of car-miles per mile of trackage operated over.....	7,243,696	Revenues per car-mile.....		07	087
Passenger miles.....	8,485,399.123	Revenues per car-day.....	31	43	933
Revenue per passenger mile—Mills.....	6.485	Sleeping carcar operations—expenses.....	52,894,585	96	
Average capacity per car—passengers:		Expenses per car-mile.....		06	406
Standard sleeping cars—berths.....	24.80	Expenses per car-day.....	28	41	534
Tourist sleeping cars—berths.....	29.19	Net revenue.....	5,629,087	99	
Parlor cars—seats.....	28.76	Net revenue per car-mile.....			681
Composite cars—seats.....	28.73	Net revenue per car-day.....	3	02	399
Average cost per car of new cars placed in service during the year:					
Steel cars.....					
New type lightweight cars.....	\$ 82,127.20				
Average weight per car equipped for service:					
Steel cars—pounds.....	168,000				
Steel underframes and vestibule—pounds.....	160,000				
New type lightweight cars—pounds.....	121,000				

Electric Railway



STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1939

GENERAL BALANCE SHEET AT DECEMBER 31, 1939

ASSETS	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Road and equipment.....	\$ 1,408,532.31	\$ 3,281,376.51	\$ 319,020.87
Miscellaneous physical property.....		15,975,980.72	472,651.63
Other investments:			
Stocks.....		4.00	
Bonds.....		16,600.00	2,520.00
Miscellaneous.....		3,136.20	
Cash.....	430.00	246,000.63	194,357.53
Loans and notes receivable.....		11,863.24	
Miscellaneous accounts receivable.....		1,204,579.80	47,591.75
Material and supplies.....	23,345.59	351,528.61	18,616.09
Other current assets.....		11,500.00	3,700.00
Rents and insurance premiums paid in advance.....		23,526.77	1,468.26
Other unadjusted debits.....		4,380.69	225,139.81
Grand Total.....	\$ 1,432,307.90	\$ 21,130,477.17	\$ 1,285,065.94
LIABILITIES			
Capital stock.....	\$	\$ 12,971,493.20	\$ 100,000.00
Funded debt—unmatured.....			100,000.00
Non-negotiable debt to affiliated companies—notes.....			2,203,000.00
Audited accounts and wages payable.....		113,442.69	16,721.54
Miscellaneous accounts payable.....	158,515.35		
Accrued interest, dividends, and rents payable.....		6,775.30	29,333.34
Other current liabilities.....		60.40	2,295.33
Other deferred liabilities.....		255,802.66	
Tax liability.....		360,805.96	21,244.05
Insurance and casualty reserves.....			56,280.16
Operating reserves.....		163,095.97	30,709.13
Accrued depreciation:			
Road and equipment.....	860,649.28	* 4,867,309.29	56,164.53
Miscellaneous physical property.....	16,887.80		57,241.98
Other unadjusted credits.....		77,808.19	647.18
Profit and loss—credit balance.....	396,255.47	2,313,883.51	** 1,388,571.30
Grand Total.....	\$ 1,432,307.90	\$ 21,130,477.17	\$ 1,285,065.94

*—Provision for all property; road and equipment and miscellaneous physical property.

**—Indicates debit item or deficit.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1939
INCOME STATEMENT FOR THE YEAR

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FORTY-FOURTH ANNUAL REPORT

ITEM	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Railway operating revenues.....	\$ 226,040.08	\$ 534,524.66	\$ 403,522.78
Railway operating expenses.....	212,559.70	574,500.86	289,797.43
Net revenue—railway operations.....	\$ 13,480.38	\$ *39,976.20	\$ 113,725.35
Auxiliary operations—revenues.....	\$ 19,809.63	\$	\$
Auxiliary operations—expenses.....	26,981.01	.....	.....
Net revenue—auxiliary operations.....	\$ *7,171.38	\$	\$
Net operating revenue.....	\$ 6,309.00	\$ *39,976.20	\$ 113,725.35
Taxes assignable to railway operations.....	.....	46,005.53	16,611.05
Operating income.....	\$ 6,309.00	\$ *85,981.73	\$ 97,114.30
NON-OPERATING INCOME			
Miscellaneous rent income.....	\$	\$ 155.00	\$
Net income from miscellaneous physical property.....	.....	1,598,263.29	17,928.30
Income from funded securities.....	.....	664.00	107.10
Income from unfunded securities and accounts.....	.....	317.60	.....
Miscellaneous income.....	.....	1,788.10	57.98
Total non-operating income.....	\$	\$ 1,601,187.99	\$ 18,093.38
Gross Income.....	\$ 6,309.00	\$ 1,515,206.26	\$ 115,207.68
DEDUCTIONS FROM GROSS INCOME			
Rent for leased roads.....	\$	\$	\$ **11,910.27
Interest on funded debt.....	.....	.....	8,000.00
Interest on unfunded debt.....	.....	6,929.93	.....
Miscellaneous debits.....	.....	**115.14	.....
Total deductions from gross income.....	\$	\$ 6,814.79	\$ **3,910.27
Income balance transferred to profit and loss.....	\$ 6,309.00	\$ 1,508,391.47	\$ 119,117.95

*—Indicates debit item or deficit.
 **—Indicates credit item.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1939
RAILWAY OPERATING REVENUES AND EXPENSES

I T E M	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
RAILWAY OPERATING REVENUES			
Passenger revenue.....	\$ 224,305.42	\$ 529,053.53	\$ 399,219.85
Parlor, sleeping, dining and special car revenue		25.50	86.55
Total revenue from transportation	\$ 224,305.42	\$ 529,079.03	\$ 399,306.40
REVENUE FROM OTHER RAILWAY OPERATIONS			
Station and car privileges.....	\$ 1,630.05	\$ 5,220.93	\$ 4,065.87
Miscellaneous	104.61	224.70	150.51
Total revenue from other railway operations.....	\$ 1,734.66	\$ 5,445.63	\$ 4,216.38
Total operating revenues.....	\$ 226,040.08	\$ 534,524.66	\$ 403,522.78
RAILWAY OPERATING EXPENSES			
Way and structures.....	\$ 47,967.26	\$ 132,311.99	\$ 5,266.92
Equipment	37,703.85	90,227.44	43,045.92
Power	40,779.45	24,491.54	59,735.18
Conducting transportation	72,928.27	247,170.53	124,339.56
Traffic	27.42	2,502.32	181.56
General and miscellaneous	13,153.45	77,797.04	57,228.29
Total operating expenses.....	\$ 212,559.70	\$ 574,500.86	\$ 289,797.43
Ratio of operating expenses to operating revenues—per cent.....	94.03	107.48	71.82

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1939
ROAD OPERATED AT CLOSE OF YEAR

NAME OF COMPANY	Miles of Road	Miles of Second Main Track	Miles of Sidings and Turnouts	Miles of Track in Carhouses, Shops, etc.	Total
City of St. Petersburg	23.274	*1.91	1.94	2.08	29.204
Tampa Electric Company	44.22	2.94	5.01	0.96	53.13
The Miami Beach Railway Company.....	17.99	0.69	1.06	0.66	20.40

*—Includes 0.38 miles of all other main tracks.

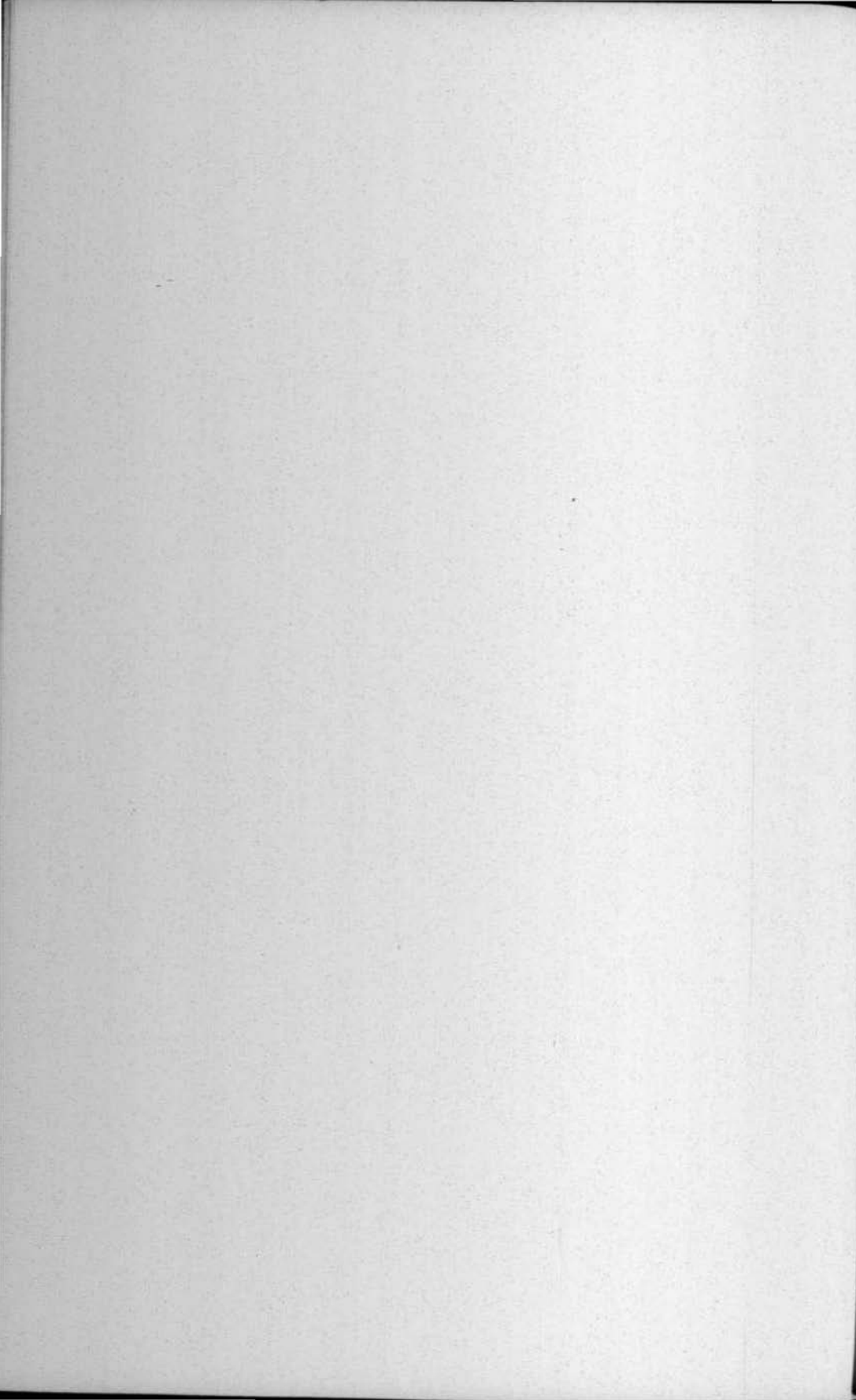
STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1939
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS
RAIL-LINE OPERATIONS

I T E M	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Passenger car mileage.....	1,172,752	3,135,736	1,469,442
Passenger car-hours.....	117,840	353,280	188,530
Regular fare passengers carried.....	3,343,408	10,834,768	7,407,553
Free transfer passengers carried.....		2,785,109	1,456,831
Total passengers carried.....	3,343,408	13,619,877	8,864,384
Employees and others carried free.....	10,000	121,635	41,298
Passenger revenue.....	\$ 224,305.42	\$ 529,053.53	\$ 399,219.85
Average fare, revenue passengers.....	\$.06708	\$.04882	\$.05389
Average fare, all passengers—including transfer passengers.....	\$.06708	\$.03884	\$.04504
Total revenue from transportation.....	\$ 224,305.42	\$ 529,079.03	\$ 399,306.40
Revenue from transportation per car-mile.....	\$.19126	\$.16872	\$.27174
Revenue from transportation per car-hour.....	\$ 1.90347	\$ 1.49762	\$ 2.11800
Total revenue from other railway operations.....	\$ 1,734.66	\$ 5,445.63	\$ 4,216.38
Revenue from other railway operations per car-mile.....	\$.00147	\$.00174	\$.00287
Revenue from other railway operations per car-hour.....	\$.01472	\$.01541	\$.02236
Total operating revenues.....	\$ 226,040.08	\$ 534,524.66	\$ 403,522.78
Operating revenues per car-mile.....	\$.19274	\$.17046	\$.27461
Operating revenues per car-hour.....	\$ 1.91820	\$ 1.51303	\$ 2.14037
Total operating expenses.....	\$ 212,559.70	\$ 574,500.86	\$ 289,797.43
Operating expenses per car-mile.....	\$.18124	\$.18321	\$.19722
Operating expenses per car-hour.....	\$ 1.80379	\$ 1.62619	\$ 1.53714

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1939
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS
MOTOR BUS OPERATIONS

ITEM	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Passenger car mileage.....	235,012	N O N E	1,343,883
Passenger car-hours.....	20,716		103,272
Regular fare passengers carried.....	303,680		2,381,538
Free transfer passengers carried.....			737,918
Total passengers carried.....	303,680	NONE	3,119,456
Employees and others carried free.....	500	N O N E	9,519
Passenger revenue.....	\$ 19,809.63		\$ 235,641.80
Average fare revenue passengers.....	\$.06523		\$.09895
Average fare all passengers, including transfer passengers.....	\$.06523		\$.07554
Total revenue from transportation.....	\$ 19,809.63	N O N E	\$ 240,328.69
Revenue from transportation per car-mile.....	\$.08429		\$.17883
Revenue from transportation per car-hour.....	\$.95624		\$ 2.32710
Total operating revenues.....	\$ 19,809.63		\$ 240,328.69
Operating revenues per car-mile.....	\$.08429	N O N E	\$.17883
Operating revenues per car-hour.....	\$.95624		\$ 2.32710
Total operating expenses.....	\$ 26,981.01		\$ 187,519.48
Operating expenses per car-mile.....	\$.11480		\$.13954
Operating expenses per car-hour.....	\$ 1.30242		\$ 1.81578

Boat Line Operations



STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1939
GENERAL BALANCE SHEET AT DECEMBER 31, 1939

ASSETS	A. G. W. Lines Inc.	Brown Motor Freight and Boat Lines, Inc.	Kinzic Brothers Steamer Line	St. Johns River Line Company	Suwannee Steamship Company
Investment in real property and equipment.....	\$ 11,173,862	\$ 15,436	\$ 67,720	\$ 292,409	\$ 10,260
Reserve for accrued depreciation—credit.....	9,064,470	8,871	29,614	110,805	4,632
Securities of transportation system corporations—unpledged.....	7,630,352				
Long-term advances to transportation system corporations.....	727,108				
Miscellaneous investments.....	19,176	3,627			
Intangible assets.....				36,900	
Cash.....	551,985	136	3,801	7,303	16,596
Marketable securities.....	15,514			25,031	
Loans and bills receivable.....			2,912	3,095	92,211
Traffic balances owed by other companies.....	46,770			707	
Net balance due from agents, pursers and stewards.....	157,610		367	24,465	5,658
Insurance claims against underwriters.....	68,366				
Miscellaneous accounts receivable.....	351,328	862	12,978		299
Material and supplies.....	179,932		112	14,136	
Other working assets.....	27,655				
Unmatured dividends and rents receivable.....	7,815			219	3,317
Temporary advances.....	33,809				
Rents paid in advance.....	11,229			553	20
Insurance premiums paid in advance.....	226,921			11,664	
Taxes paid in advance.....				23	
Unamortized debt discount and expense.....	197				
Special deposits.....	700				
Sinking fund assets.....	1,000				
Insurance and other reserve fund assets.....	335,848				
Open voyage expense.....	131,799				
Other deferred debit items.....	12,259,255			333	1,738
Grand Total.....	\$ 24,893,761	\$ 11,190	\$ 58,276	\$ 306,033	\$ 125,467

STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1939
GENERAL BALANCE SHEET AT DECEMBER 31, 1939

LIABILITIES	A. G. W. Lines Inc.	Brown Motor Freight and Boat Lines, Inc.	Kinzie Brothers Steamer Line	St. Johns River Line Company	Suwannee Steamship Company
Capital stock.....	\$ 7,600,000	\$ 12,123	\$ 20,071	\$ 34,488	\$ 1,000
Premium on capital stock.....		1,835		84,879	
Long-term debt.....	3,359,000	745		34,231	
Loans and bills payable.....		5,683	3,300	46,608	138
Audited vouchers and wages unpaid.....	215,515	9,711		2,891	38,180
Traffic balances owed to other companies.....	30,317			6,010	
Miscellaneous accounts payable.....	134,094		6,516	18,218	
Matured dividends and interest unpaid.....	4,000				
Matured rents unpaid.....	769,419				
Matured long-term debt unpaid.....	261,000	1,214			
Working advances owed to other companies.....					162,394
Other working liabilities.....	19,390				1,744
Unmatured dividends, interest and rents payable.....	945			2,819	
Taxes accrued.....	39,171		281	21,028	1,552
Operating reserves.....	370,273				
Open voyage revenues.....	63,030				
Other deferred credit items.....	132,668				
Appropriated surplus.....	12,014,298		13,569		553
Profit and loss.....	* 119,359	* 20,121	14,539	54,861	* 80,094
Grand Total.....	\$ 24,893,761	\$ 11,190	\$ 58,276	\$ 306,033	\$ 125,467

*—Indicates debit item or deficit.

STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1939
PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

I T E M	A. G. W. Lines Inc.	Brown Motor Freight and Boat Lines, Inc.	Kinzie Brothers Steamer Line	St. Johns River Line Company	Suwannee Steamship Company
Credit balance at beginning of year.....	\$.....	\$.....	\$ 10,036	\$ 75,460	\$ 13,679
Credit balance transferred from income account.....			9,193	21,710	
Real property and equipment credits.....	537			80	
Miscellaneous credits.....	14,135				
Debit balance carried to balance sheet.....	119,359	20,121			80,094
Total credits.....	\$ 134,031	\$ 20,121	\$ 19,229	\$ 97,250	\$ 93,773
Debit balance at beginning of year.....	\$ 4,325	\$ 19,209	\$.....	\$.....	\$.....
Debit balance transferred from income account.....	120,389	912			93,773
Dividend appropriation of surplus.....				19,776	
Miscellaneous appropriations of surplus.....	998		2,813		
Real property and equipment debits.....	6,170			881	
Miscellaneous debits.....	2,149		1,877	21,732	
Credit balance carried to balance sheet.....			14,539	54,861	
Total debits.....	\$ 134,031	\$ 20,121	\$ 19,229	\$ 97,250	\$ 93,773

STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1939
INCOME ACCOUNT—ENTIRE COMPANY

I T E M	A.G. W. Lines Inc.	Brown Motor Freight and Boat Lines, Inc.	Kinzie Brothers Steamer Line	St. Johns River Line Company	Suwannee Steamship Company
Freight revenue.....	\$ 6,984,562	\$ 13,818	\$ 5,124	\$ 302,169	\$ 39,007
Passenger revenue.....	2,225,334		6,150		
Other transportation revenue.....	330,413		798		
Revenue from operations other than transportation.....	141,400			3,083	
Charter revenue.....	570,054				
Total water-line operating revenue.....	\$ 10,251,763	\$ 13,818	\$ 12,072	\$ 305,252	\$ 39,007
Maintenance of equipment and terminals.....	\$ 1,320,671	\$ 5,423	\$ 5,205	\$ 40,273	\$ 1,195
Traffic expenses.....	696,615	18	845	7,624	60
Transportation expenses.....	5,989,937	9,030	4,214	160,727	4,727
General expenses.....	838,111	1,987	2,315	51,501	20,556
Charter expenses.....	752,215	221			8,345
Total water-line operating expenses.....	\$ 9,597,549	\$ 16,679	\$ 12,579	\$ 260,125	\$ 34,883
Net revenue from water-line operations.....	\$ 654,214	\$ * 2,861	\$ * 507	\$ 45,127	\$ 4,124
Net revenue from auxiliary operations.....			10,255	29,419	* 106,447
Net water-line operating revenue.....	\$ 654,214	\$ * 2,861	\$ 9,748	\$ 74,546	\$ * 102,323
Water-line tax accruals.....	206,041	25	307	41,905	808
Water-line operating income.....	\$ 448,173	\$ * 2,886	\$ 9,441	\$ 32,641	\$ * 103,131
Total other income.....	38,453	3,000		49	9,658
Gross income.....	\$ 486,626	\$ 114	\$ 9,441	\$ 32,690	\$ * 93,473
Deductions from gross income.....	595,227	1,026	248	10,980	300
Net income.....	\$ * 108,601	\$ * 912	\$ 9,193	\$ 21,710	\$ * 93,773
Miscellaneous appropriations of income.....	11,788				
Miscellaneous appropriations of income.....	11,788				
Income balance transferred to profit and loss.....	\$ * 120,389	\$ * 912	\$ 9,193	\$ 21,710	\$ * 93,773

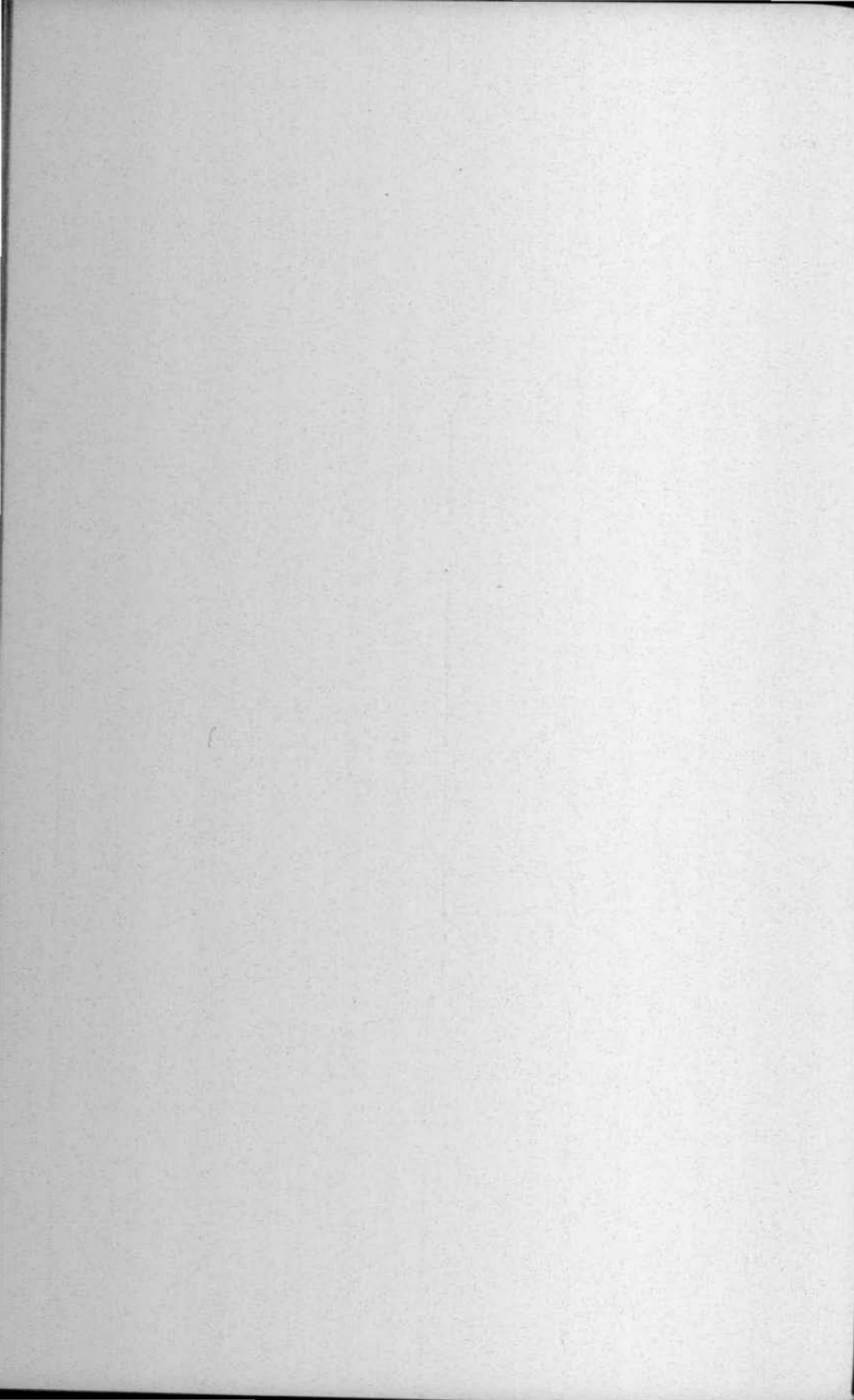
*—Indicates debit item or deficit.

STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1939
WATER TRANSPORTATION COMPANIES OPERATED WITHIN THE STATE OF FLORIDA

NAME OF COMPANY	BUSINESS ADDRESS	TERRITORY IN GENERAL
Agwlines, Inc.....	Pier 34, North River, New York, N. Y.	Operates ocean-going steamers out of Boston, New York, Charleston, Jacksonville, Key West, Miami, Tampa, New Orleans and Galveston.
Brown Motor Freight & Boat Lines, Inc.....	Foot of Newnan Street, Jacksonville, Florida	Operates once weekly between Jacksonville, Melbourne, Titusville, Pom- pano, Fort Pierce and Miami, Florida.
Kinzie Brothers Steamer Line.....	P.O. Box 189, Fort Meyers, Florida	Operates six trips daily between Punta Rassa and Sanibel Island, Florida.
St. Johns River Line.....	10 South Newnan Street, Jacksonville, Florida	Operates six trips weekly between Jacksonville, Palatka and Sanford, Florida, on St. Johns River. Operates three trips weekly between Jacksonville, Florida, and Brunswick, Georgia. Operates occasional service between Jacksonville, Daytona, and Miami, Florida.
Suwannee Steamship Company.....	Foot of Catherine Street, Jacksonville, Florida	Operates weekly between Jacksonville and Sanford, Florida, on St. Johns River.



**Telegraph-Cable
Companies**



STATISTICS OF TELEGRAPH-CABLE COMPANIES—
CALENDAR YEAR 1939
GENERAL BALANCE SHEET AT DECEMBER 31, 1939

A S S E T S	Western Union Telegraph Company	Postal Telegraph-Cable Company
Investment in plant and equipment.....	\$ 334,698,510.93	\$ 50,000.00
Construction work in progress.....	3,192,833.35	
Investment securities.....	13,369,454.82	
Long-term advances receivable.....	1,180,000.00	
Miscellaneous investments.....	72,918.63	
Working assets and accrued income.....	26,242,819.60	403,769.31
Deferred debit items.....	1,035,352.63	
Grand Total.....	\$ 379,791,889.96	\$ 453,769.31
L I A B I L I T I E S		
Capital stock.....	\$ 104,527,744.16	\$ 50,000.00
Capital stock of subsidiary companies.....	1,751,400.00	
Premiums on capital stock.....	1,163,350.00	
Funded debt.....	87,448,000.00	
Working and accrued liabilities.....	12,395,568.16	3,983,334.76
Deferred credit items.....	96,775,509.69	
Appropriated surplus.....	1,151,877.61	
Profit and loss.....	74,578,440.34	* 3,579,565.45
Grand Total.....	\$ 379,791,889.96	\$ 453,769.31

*—Indicates debit item or deficit.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—
CALENDAR YEAR 1939
PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

I T E M S	Western Union Telegraph Company	Postal Telegraph-Cable Company
Credit balance at beginning of year.....	\$ 73,269,676.55	\$
Credit balance transferred from income.....	1,380,113.94	
Miscellaneous credits.....	32,014.83	
Debit balance transferred to balance sheet.....		3,579,565.45
Total credits.....	\$ 74,681,805.32	\$ 3,579,565.45
Debit balance at beginning of year.....	\$	\$ 2,986,541.36
Debit balance transferred from income.....		593,024.09
Miscellaneous debits.....	103,364.98	
Credit balance transferred to balance sheet.....	74,578,440.34	
Total Debits.....	\$ 74,681,805.32	\$ 3,579,565.45

STATISTICS OF TELEGRAPH-CABLE COMPANIES—
CALENDAR YEAR 1939
INCOME ACCOUNT—ENTIRE COMPANY

I T E M S	Western Union Telegraph Company	Postal Telegraph-Cable Company
Telegraph and cable operating revenues.....	\$ 95,660,403.13	\$ 2,797,180.42
Telegraph and cable operating expenses.....	82,332,879.30	2,817,305.98
Net telegraph and cable operating revenues.....	\$ 13,327,523.83	\$ * 20,125.56
Uncollectible operating revenues.....	\$ 384,142.00	\$ 7,964.50
Taxes assignable to operations.....	5,952,733.98	169,198.33
Deductions from net operating revenues.....	\$ 6,336,875.98	\$ 177,162.83
Operating income.....	\$ 6,990,647.85	\$ * 197,288.39
Nonoperating income.....	1,518,513.90	
Gross Income.....	\$ 8,509,161.75	\$ * 197,288.39
Deductions from Gross Income.....	7,129,047.81	395,735.70
Net Income—Transferred to Profit and Loss.....	\$ 1,380,113.94	\$ * 593,024.09

*—Indicates debit item or deficit.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1939
OPERATING REVENUES AND EXPENSES, ENTIRE COMPANY AND STATE OF FLORIDA

I T E M S	WESTERN UNION TELEGRAPH COMPANY			
	Entire Company	STATE OF FLORIDA		
		Intrastate	Interstate	Total
OPERATING REVENUES				
Revenues from transmission—telegraph.....	\$80,740,522.87	\$ 627,198.24	\$ 1,715,257.83	\$ 2,342,456.07
Revenues from transmission—cable.....	6,940,298.57			
Operations other than transmission.....	9,360,059.48	113,755.16	76,423.51	190,179.07
Contract payments to transportation companies—debit.....	1,380,477.79	1,081.11	1,863.23	2,944.34
Total operating revenues.....	\$95,660,403.13	\$ 730,872.29	\$ 1,789,818.51	\$ 2,529,690.80
OPERATING EXPENSES				
Maintenance expense.....	\$19,940,115.19	\$.....	\$.....	\$ 526,268.27
Conducting operations.....	57,973,066.57			1,481,708.21
General and miscellaneous expenses.....	4,419,697.54			118,319.55
Total operating expenses.....	\$82,332,879.30	\$.....	\$.....	\$ 2,126,296.03
Ratio of Operating Expenses to Revenue—per cent.....	86.07			84.10

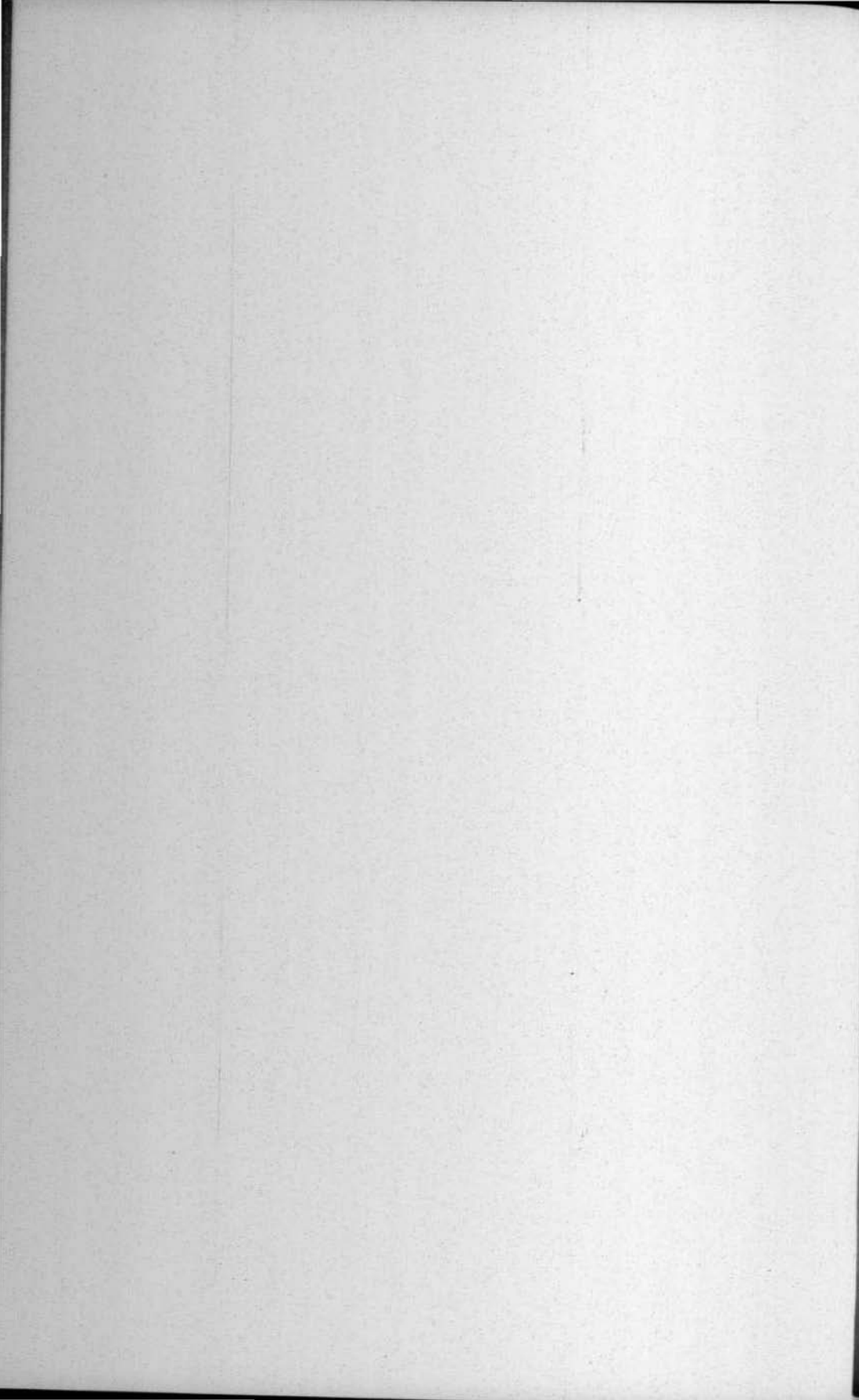
NOTE: Interstate revenues represent the receipts and/or collections on interstate messages in the State of Florida, as reported by the company. The revenue from interstate messages, etc., is not apportioned but is assigned to the State in which paid or collected.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1939
OPERATING REVENUES AND EXPENSES—ENTIRE COMPANY AND STATE OF FLORIDA

I T E M S	POSTAL TELEGRAPH-CABLE COMPANY			
	ENTIRE COMPANY	STATE OF FLORIDA		
		Intrastate	Interstate	Total
OPERATING REVENUES				
Revenues from transmission—telegraph.....	\$ 2,580,666.59	\$ 149,866.60	\$ 449,325.31	\$ 599,191.91
Operations other than transmission.....	216,513.83	28,370.07	19,843.83	48,213.90
Total Operating Revenues	\$ 2,797,180.42	\$ 178,236.67	\$ 469,169.14	\$ 647,405.81
OPERATING EXPENSES				
Maintenance expense.....	\$ 601,046.11	\$.....	\$.....	\$ 139,681.35
Conducting operations.....	2,082,527.53	.....	.....	484,399.65
General and miscellaneous expenses.....	133,732.34	.....	.....	30,962.10
Total operating expenses.....	\$ 2,817,305.98	.....	.....	\$ 655,043.10
Ratio of Operating Expenses to Revenue—per cent.....	100.72	.....	.....	101.18

NOTE: Revenues are actual in accordance with agreement between this company and associated companies under date of January 1, 1931.

Telephone Companies



STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939

NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S STATIONS IN OPERATION— ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P.B.X. and Intercon.	Total
Callahan Telephone Company.....	Callahan, Fla.....	Callahan.....	32	23	3	-----	-----	58
		Hilliard.....	17	4	-----	-----	-----	21
Cottondale Telephone Company.....	Cottondale, Fla.....	Cottondale.....	44	-----	-----	-----	-----	44
Florida Telephone Corporation.....	Leesburg, Fla.....	Alachua.....	50	7	4	6	-----	67
		Apopka.....	97	58	33	-----	-----	188
		Bushnell.....	36	12	3	-----	-----	51
		Clermont.....	99	14	7	-----	-----	120
		Crescent City.....	109	6	7	-----	-----	122
		Crystal River.....	24	15	2	-----	-----	41
		Dade City.....	160	69	28	-----	-----	257
		Eustis.....	306	40	47	-----	12	405
		Groveland.....	31	4	5	-----	-----	40
		Hastings.....	45	57	14	-----	-----	116
		High Springs.....	100	3	4	4	-----	111
		Inverness.....	79	2	7	-----	-----	88
		Jasper.....	78	-----	6	-----	-----	84
		Kissimmee.....	217	5	26	-----	-----	248
		Lake Butler.....	22	3	1	5	-----	31
		Leesburg.....	552	145	98	-----	10	805
		Live Oak.....	359	7	32	-----	29	427
		Mayo.....	25	-----	-----	-----	-----	25
		Mount Dora.....	180	63	24	1	-----	268
		Ocala.....	1,053	219	224	7	192	1,695
		St. Cloud.....	46	3	3	1	-----	53
		Tavares.....	109	13	26	-----	5	153
		Umatilla.....	66	10	7	-----	4	87
		White Springs.....	18	2	-----	1	-----	21
		Wildwood.....	29	8	1	3	-----	41
		Williston.....	82	7	2	6	-----	97
		Winter Garden.....	227	90	38	-----	14	369

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939
NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S STATIONS IN OPERATION—
ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon.	Total
Gulf Telephone Company.....	Perry, Fla.	Perry.....	240	28	14	14	60	356
Hampton Telephone Company.....	Hampton, Fla.	Hampton.....	(A)					
Inter-County Telephone Co.	Ft. Myers, Fla.	Arcadia.....	314	30	57		108	509
		Avon Park.....	178	33	37		197	445
		Boca Grande.....	80		36		404	520
		Bowling Green.....	17	1				18
		Clewiston.....	134		23		78	235
		Everglades.....	41	4	15			60
		Fort Meade.....	113	11	5	3		132
		Ft. Myers.....	950		173		464	1,587
		Ft. Myers Beach.....	18		3			21
		La Belle.....	37	4	2			43
		Lake Placid.....	31		5		30	66
		Moore Haven.....	34	3	1			38
		Naples.....	59		15			74
		Okeechobee.....	91	2	5		60	158
		Punta Gorda.....	172	12	9		248	441
		Sebring.....	256		48	3	511	818
		Wauchula.....	212		22			234
Maccleenny Telephone Co.	Maccleenny, Fla.	Maccleenny.....	41	2	1			44
McIntosh Telephone Co.	McIntosh, Fla.	McIntosh.....	32	52				84
Milton Telephone Exchange.....	Milton, Fla.	Milton.....	119	40	8	12		179
Molino Telephone Co.	Molino, Fla.	Molino.....	9	3				12
Orange Telephone Co.	Orange City, Fla.	Orange City.....	49		2			51
Peninsular Telephone Co.	Tampa, Fla.	Auburndale.....	122		25			147
		Bartow.....	743		168		31	942
		Bradenton.....	1,835		291		474	2,600
		Clearwater.....	1,860		409		1,127	3,396
		Frost Proof.....	177		21		16	214
		Gulf Beaches.....	254		36		288	578
		Haines City.....	389		78		59	526
		Lakeland.....	2,831		468		491	3,790
		Lake Wales.....	711		200		171	1,082
		Largo.....	177		17			194
		Mulberry.....	120		13			133

(A)—Annual reports for 1939 not received.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939

NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S STATIONS IN OPERATION— ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P.B.X. and Intercon.	Total
		New Port Richey	106		6			112
		Plant City	795	2	108		86	991
		St. Petersburg	8,538		1,318		4,158	14,014
		Sarasota	1,943		363		566	2,872
		Tampa	15,234	57	2,813		3,187	21,291
		Tarpon Springs	352		44		19	415
		Venice	157		26		40	223
		Winter Haven	1,259		293		133	1,685
Quincy Telephone Co.	Quincy, Fla.	Quincy	537	104	108		14	763
Riverside Telephone Co.	Blountstown, Fla.	Blountstown	86	5	3			94
		Wewahitchka	4	1				5
Sr. Joseph Telephone & Telegraph Co.	Port St. Joe, Fla.	Apalachicola	80		7			87
		Chattahoochee	103		9			112
		Port St. Joe	89		12		9	110
Seymour Telephone Co.	Sneeds, Fla.	Sneeds	20					20
Southeastern Telephone Co.	327 S. LaSalle St., Chicago, Ill.	Bonifay	85		2			87
		Crestview	88	10	3			101
		De Funiak Springs	276	14	17			307
		Greenville	20	4				24
		Madison	197	6	11	13		227
		Monticello	186	28	12	5		231
		Ponce de Leon	7	2				9
		Tallahassee	2,609	131	410		535	3,685
		Valpariso	15	20				35
Southern Bell Telephone & Telegraph Co.	Hurt Building, Atlanta, Ga.	Baldwin	26		1			27
		Belle Glade	153		24			177
		Boca Raton	67		10		512	589
		Boynton	51		10			61
		Brooksville	218	3	15	7	48	291
		Bunnell	57	3	2			62
		Cedar Keys	16					16
		Chipley	212	2	23			237
		Cocoa	373		53		160	586
		Cross City	74	3	10			87
		Daytona Beach	3,078	1	573	3	1,663	5,318

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939

NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S STATIONS IN OPERATION—
ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P.B.X. and Intercon.	Total
		De Land.....	859	-----	185	5	347	1,396
		Delray.....	386	-----	87	-----	246	719
		Dunnellon.....	75	4	4	-----	-----	83
		Eau Gallie.....	45	-----	4	-----	68	117
		Fernandina.....	232	-----	22	1	36	291
		Ft. Lauderdale.....	1,872	-----	323	-----	620	2,815
		Ft. Pierce.....	710	10	128	-----	179	1,027
		Gainesville.....	2,026	3	307	4	460	2,800
		Geneva.....	27	-----	3	-----	-----	30
		Golden Beach.....	91	-----	16	-----	21	128
		Graceville.....	82	15	3	-----	-----	100
		Green Cove Springs.....	83	7	9	-----	-----	99
		Havana.....	97	-----	2	-----	-----	99
		Hawthorne.....	35	-----	4	-----	-----	39
		Hobe Sound.....	84	-----	61	-----	118	263
		Hollywood.....	710	-----	108	-----	718	1,536
		Homestead.....	235	69	45	-----	-----	349
		Jacksonville.....	20,459	54	4,074	15	5,183	29,785
		Jacksonville Beach.....	470	-----	34	-----	50	554
		Key West.....	665	-----	106	-----	312	1,083
		Lake City.....	515	12	36	16	158	737
		Lake Park.....	55	-----	9	-----	15	79
		Lake Worth.....	438	4	46	-----	229	717
		Lynn Haven.....	52	-----	5	-----	-----	57
		Mandarin.....	52	-----	3	-----	-----	55
		Melbourne.....	186	-----	22	2	130	340
		Miami.....	30,661	-----	6,983	-----	26,103	63,747
		Micanopy.....	21	7	1	-----	-----	29
		New Smyrna.....	319	17	47	1	57	441
		Orange Park.....	40	9	8	-----	-----	57
		Orlando.....	5,523	14	1,259	30	1,655	8,481
		Oviedo.....	53	5	6	-----	-----	64
		Pahokee.....	217	-----	37	-----	-----	254
		Palatka.....	626	53	101	-----	131	911
		Panama City.....	954	-----	123	4	213	1,294

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939
NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S STATIONS IN OPERATION—
ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon	Total
		Pensacola.....	4,168	4	599	6	560	5,337
		Pompano.....	141		8		109	258
		Ponte Vedra.....	51		5		102	158
		St. Augustine.....	1,673		266	12	714	2,665
		Sanford.....	1,107		171	3	123	1,404
		Stuart.....	226	9	33		82	350
		Titusville.....	130		13			143
		Trenton.....	67	6	1			74
		Vero Beach.....	366		35		98	499
		West Palm Beach.....	5,025		2,023		4,332	11,380
Starke Telephone Co.....	Starke, Fla.....	Starke.....	116		3	4		123
West Florida Telephone & Telegraph Co.....	Marianna, Fla.....	Marianna.....	438		45		80	563
West Putnam Telephone Co.....	Interlachen, Fla.....	Interlachen.....	(A)					
Winter Park Telephone Co.....	Winter Park, Fla.....	Winter Park.....	881		228		175	1,284
Total.....			137,193	1,812	26,786	197	59,637	225,625

(A)—Annual reports for 1939 not received.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939
GENERAL BALANCE SHEET—CLASS "A" AND "B" COMPANIES AT DECEMBER 31, 1938

NAME OF COMPANY	ASSETS							
	Telephone Plant	Investments in Affiliated Companies	Other Investments	Miscellaneous Physical Property	Sinking Funds	Current Assets	Deferred Changes	Total
Florida Telephone Corporation.....	\$ 1,082,480.94	\$	\$ 390,000.00	\$	\$	\$ 85,989.63	\$ 63,918.62	\$ 1,622,389.19
Gulf Telephone Company.....	43,480.06	.....	.....	.....	.....	578.45	.....	44,058.51
Inter County Telephone & Telegraph Co. .	2,054,146.32	.....	.....	.....	.....	49,388.82	2,269.50	2,105,804.64
Milton Telephone Exchange.....	39,220.37	.....	790.00	.....	.....	15,540.41	.....	55,550.78
Peninsular Telephone Co.....	11,702,013.86	.....	9,699.73	53,878.15	930.00	1,340,819.78	607,312.24	13,714,653.76
Quincy Telephone Company, Inc.....	111,535.97	.....	.....	.....	.....	5,873.56	.....	117,409.53
St. Joseph Telephone & Telegraph Co.....	108,490.96	.....	.....	.....	.....	34,494.51	382.31	143,367.78
Southeastern Telephone Company.....	858,991.14	.....	.....	.....	.....	64,845.24	11,543.76	935,380.14
Southern Bell Telephone & Telegraph Co.	276,660,860.62	836,717.47	1,820,239.31	506,737.77	.....	14,032,379.15	3,304,394.78	297,161,329.10
F. A. Symonds, Lessee, West Florida Telephone & Telegraph Co.....	.....	26,333.50	7,310.93	.....	.....	13,048.65	.....	46,693.08
Winter Park Telephone Co.....	226,515.36	13,500.00	.....	.....	.....	9,300.54	783.03	250,098.93
Total.....	\$292,887,735.60	\$ 876,550.97	\$2,228,039.97	\$ 560,615.92	\$ 930.00	\$15,652,258.74	\$3,990,604.24	\$316,196,735.44

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939
GENERAL BALANCE SHEET—CLASS "A" AND "B" COMPANIES AT DECEMBER 31, 1939

NAME OF COMPANY	LIABILITIES							
	Stock	Long-term Debt	Current Liabilities	Accrued Liabilities Not Due	Deferred Credits and Reserves	Contributions of Telephone Plant	Unappropriated Surplus	Total
Florida Telephone Corporation.....	\$ 507,400.00	\$ 774,100.00	\$ 41,362.90	\$ 55,094.00	\$ 150,355.45	\$.....	\$ 94,076.84	\$ 1,622,389.19
Gulf Telephone Co.....	10,000.00	-----	7,877.33	-----	24,607.00	-----	1,574.18	44,058.51
Inter County Telephone & Telegraph Co..	450,000.00	1,183,045.76	72,931.84	31,815.04	450,752.97	-----	* 82,740.97	2,105,804.64
Milton Telephone Exchange.....	13,682.00	-----	649.93	933.88	21,352.21	-----	18,932.76	55,550.78
Peninsular Telephone Co.....	5,227,220.57	3,789,000.00	178,670.97	300,799.00	3,738,228.71	35,393.05	445,341.46	13,714,653.76
Quincy Telephone Co., Inc.....	55,500.00	-----	3,384.47	594.51	42,610.64	-----	15,319.91	117,409.53
St. Joseph Telephone & Telegraph Co.....	50,000.00	-----	14,891.51	792.52	48,365.59	-----	29,318.16	143,367.78
Southeastern Telephone Co.....	200,000.00	424,000.00	21,778.76	18,428.14	208,482.44	6,311.96	56,378.84	935,380.14
Southern Bell Telephone & Telegraph Co.	140,000,000.00	76,625,672.20	7,321,911.61	5,440,204.69	64,114,352.68	-----	3,659,187.92	297,161,329.10
F. A. Symonds, Lessee, West Florida Telephone & Telegraph Co.....	-----	-----	212.15	11.80	-----	-----	46,469.13	46,693.08
Winter Park Telephone Co.....	41,400.00	122,900.00	18,661.87	3,136.50	47,638.58	1,248.36	15,113.62	250,098.93
Total.....	\$146,555,202.57	\$82,918,717.96	\$7,682,333.34	\$5,851,810.08	\$68,846,746.27	\$ 42,953.37	\$298,971.85	\$316,196,735.44

Asterisk indicates debit item or deficit.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939
INCOME STATEMENT—CLASS "A" AND "B" COMPANIES—ENTIRE COMPANY

NAME OF COMPANY	Telephone Operating Revenues	Telephone Operating Expenses	Net Telephone Operating Revenues	Rent for Lease of Operating Property	Operating Taxes	Net Operating Income
Florida Telephone Corporation.....	\$ 311,020.24	\$ 194,575.27	\$ 116,444.97	\$.....	\$ 32,690.84	\$ 83,754.13
Gulf Telephone Co.....	10,505.68	9,569.19	936.49	.....	711.41	225.08
Inter County Telephone & Telegraph Co.....	224,369.03	156,655.02	67,714.01	.....	17,914.65	49,799.36
Milton Telephone Exchange.....	10,486.01	9,116.51	1,369.50	.....	1,425.87	56.37
Peninsular Telephone Co.....	2,531,413.43	1,347,948.54	1,183,464.89	.....	355,643.17	827,821.72
Quincy Telephone Co., Inc.....	28,533.44	23,660.45	4,872.99	.....	2,243.16	2,629.83
St. Joseph Telephone & Telegraph Co.....	28,788.37	23,187.24	5,601.13	.....	1,847.81	3,753.32
Southeastern Telephone Co.....	217,839.55	127,764.10	90,075.45	.....	24,957.60	65,117.85
Southern Bell Telephone & Telegraph Co.....	69,392,428.24	45,122,185.05	24,270,243.19	.....	9,772,274.87	14,497,968.32
F. S. Symonds, Lessee, West Florida Telephone & Telegraph Co....	23,915.42	12,103.84	11,811.58	4,200.00	1,168.11	6,443.47
Winter Park Telephone Co.....	51,145.49	30,681.36	20,464.13	.....	4,622.08	15,842.05
Total.....	\$72,830,444.90	\$47,057,446.57	\$25,772,998.33	\$ 4,200.00	\$10,215,449.57	\$15,553,298.76

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939
INCOME STATEMENT—CLASS "A" AND "B" COMPANIES—ENTIRE COMPANY (Continued)

NAME OF COMPANY	Other Income	Miscellaneous Deductions from Income	Income Available for Fixed Charges	Fixed Charges	Net Income	Dividend Appropriations	Income Balance
Florida Telephone Corporation.....	\$ 15,200.00	\$ 1,665.47	\$ 97,288.66	\$ 66,729.22	\$ 30,559.44	\$.....	\$ 30,559.44
Gulf Telephone Co.....			225.08	184.00	41.08		41.08
Inter County Telephone & Telegraph Co.....			49,799.36	52,731.15	* 2,931.79		* 2,931.79
Milton Telephone Exchange.....			56.37		56.37		56.37
Peninsular Telephone Company.....	3,731.11	24,300.28	807,252.55	161,072.04	646,180.51	173,003.94	473,176.57
Quincy Telephone Co., Inc.....	34.75		2,664.58	112.00	2,552.58		2,552.58
St. Joseph Telephone & Telegraph Co.....			3,753.52		3,753.52		3,753.52
Southeastern Telephone Co.....	1,761.27	317.50	66,561.62	22,568.03	43,993.59		43,993.59
Southern Bell Telephone & Telegraph Co.....	350,935.50	79,943.55	14,768,960.27	2,543,006.81	12,225,953.46	11,200,000.00	1,025,953.46
F. A. Symonds, Lessee, West Florida Telephone & Telegraph Co.....	1,003.10		7,446.57		7,446.57	1,510.15	5,936.42
Winter Park Telephone Co.....			15,842.05	7,668.32	8,173.73	6,700.00	1,473.73
Total.....	\$ 372,665.73	\$ 106,226.80	\$15,819,737.69	\$ 2,854,071.57	\$12,965,666.12	\$11,381,214.09	\$ 1,584,452.03

Asterisk indicates debit item or deficit.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1939
INCOME ACCOUNT—CLASS "C" COMPANIES

NAME OF COMPANY	Total Operating Revenue	Total Operating Expenses	Taxes	Interest and Miscellaneous Deductions	Net Income
Callahan Telephone & Telegraph Co.....	\$ 2,484.00	\$ 1,329.00	\$ 39.74	\$	\$ 1,115.26
Cottdale Telephone Co.....	1,690.00	1,727.00	79.83	.....	* 116.83
Macclenny Telephone Co.....	1,847.27	1,556.16	130.08	.....	161.03
McIntosh Telephone Co.....	3,850.10	3,454.07	436.57	.....	* 40.54
Molino Telephone Co.....	426.57	366.25	12.59	.....	47.73
Orange City Telephone Co.....	1,822.26	1,976.50	88.55	28.61	* 271.40
Riverside Telephone Co.....	6,912.52	6,433.78	294.24	670.38	* 485.88
Seymour Telephone Co.....	636.00	260.45	10.00	.....	365.55
Starke Telephone Co.....	4,602.92	4,096.11	280.00	\$20.00	* 293.19
Total.....	\$ 24,271.64	\$ 21,199.32	\$ 1,371.60	\$ 1,218.99	\$ 481.73

*—Indicates deficit.

**Auto Transportation
Companies**

**AUTO TRANSPORTATION COMPANIES AND INDIVIDUALS
OPERATING LESS THAN FULL—CALENDAR YEAR 1939**

NAME OF COMPANY OR INDIVIDUAL	FROM	TO
BUS OPERATIONS.		
Clarke Motor Lines.....	January 20, 1939	December 31, 1939
*Western Florida Transportation Company.....	April 1, 1939	December 31, 1939
TRUCK OPERATIONS		
**Tarpon Truck Line.....	January 1, 1939	November 24, 1939
**Walters Truck Line.....	January 1, 1939	November 24, 1939

* Transferred from Receiver, Alabama & Western Florida Railroad Company to whom issued January 4, 1939, but no operations conducted by him.

**—Transferred to Central Truck Line, Inc.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

GENERAL BALANCE SHEET—ENTIRE COMPANY

(Gross Revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	ASSETS							
	Plant and Equipment	Investments	Reacquired Securities	Special Deposits	Current Assets	Prepayments	Deferred Charges	Grand Total
TRUCK OPERATIONS— COMMON CARRIER								
W. L. Akins Transportation Co., Inc.	\$ 1,700.00	\$	\$	\$	\$ 2,254.13	\$	\$	\$ 3,954.13
Bee Line Transfer	23,884.72			10.00	1,960.19	778.17		26,633.08
Brown Motor Freight & Boat Lines, Inc.	3,627.15	15,436.11	5,855.78		998.30			25,917.34
C. & H. Transfer Co.	20,825.80				151.18	75.00		21,051.98
Chastain Transfer Line	890.00					54.20		944.20
Five Transportation Co.	49,841.70				8,180.87	734.00		58,756.57
Fogarty Brothers Transfer, Inc.	27,930.02	3,433.32			4,482.22	1,386.77		37,232.33
Green Brothers Transfer Co.	8,480.25				1,186.67	275.00		9,941.92
Highway Transportation Co.	1,243.87				238.68	113.16		1,595.71
Hunt Truck Line	35,759.74			7,300.00	950.90	944.74		43,053.58
Marshall Transfer Co.	3,869.00				1,936.33	85.00		5,890.33
Overseas Transportation Co., Inc.	37,156.79				10,532.71			47,689.50
Peters Truck Line	969.60				3,685.75	110.00		4,765.35
Pittman Truck Line, ended July 31, 1939	10,638.49				475.33	366.47		11,480.29
Pittman Truck Line, August 1 to December 31, 1939	3,608.75							3,608.75
Star Truck Line, Inc.	28,284.81				12,186.13	1,025.17		41,496.11
Tarpon Truck Line	1,478.00	4,500.00			4,819.60	129.40		10,927.00
Union Express Freight Co., Inc.	19,303.00			75.00	3,516.35	121.23		23,015.58
Walters Truck Line	1,855.09					65.00		1,920.09
Total Truck Operations—Common Carrier	\$ 281,346.78	\$ 23,369.43	\$ 5,855.78	\$ 7,385.00	\$ 55,653.54	\$ 6,263.31	\$	\$ 379,873.84

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

GENERAL BALANCE SHEET—ENTIRE COMPANY

(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	ASSETS							
	Plant and Equipment	Investments	Reacquired Securities	Special Deposits	Current Assets	Prepayments	Deferred Charges	Grand Total
BUS OPERATIONS—COMMON CARRIER								
Clarke Motor Lines.....	\$ 3,915.00	\$	\$	\$	\$ 315.05	\$ 41.50	\$	\$ 4,271.55
Gator Motor Lines, Inc.....	2,276.46	.....	.....	.....	371.95	190.35	.....	2,838.76
Georgia Stages, Inc.....	301,625.97	.....	1,000.00	82.00	37,218.58	8,550.90	7,418.90	355,896.35
Glades "K" Motor Lines.....	16,284.65	.....	.....	.....	3,172.85	1,542.64	.....	21,000.14
Gulf Coast Motor Lines, Inc.....	4,005.70	.....	.....	.....	6,143.07	75.00	.....	10,223.77
Lee Coach Line.....	22,613.85	.....	.....	25.00	.....	1,876.49	.....	24,515.34
J. O. Miller Bus Line.....	2,750.00	.....	.....	.....	372.83	339.56	.....	3,462.39
Monroeville Bus Company, Inc.....	22,474.83	.....	.....	110.00	4,602.78	498.92	.....	27,686.53
Orlando Transit Co.....	2,150.00	63,059.49	.....	20.00	.....	126.61	.....	65,356.10
Pass-a-Grille Beach Bus Line.....	15,417.59	.....	.....	.....	1,331.78	886.08	.....	17,635.45
Southern Tours, Inc.....	31,616.47	.....	.....	85.00	1,418.72	824.39	.....	33,944.58
Tallahassee-Monticello Bus Line.....	836.50	.....	.....	.....	.....	88.75	.....	925.25
West Florida Transportation Co.....	1,176.50	.....	.....	.....	241.21	.....	293.16	1,710.87
Total Bus Operations—Common Carrier.....	\$ 427,143.52	\$ 63,059.49	\$ 1,000.00	\$ 322.00	\$ 55,188.82	\$ 15,041.19	\$ 7,712.06	\$ 569,467.08
COMBINATION BUS AND TRUCK OPERATIONS								
McJunkin, Wayne F.....	\$ 21,314.55	\$	\$	\$	\$ 267.26	\$ 693.26	\$	\$ 22,275.07
St. Andrews Bay Transportation Co.....	48,478.63	.....	.....	25.00	12,613.49	1,348.03	2,102.19	64,567.34
University City Transfer Co., Inc.....	15,161.35	1,000.00	.....	.....	5,345.63	521.65	.....	22,028.63
Total Combination Bus and Truck Operations	\$ 84,954.53	\$ 1,000.00	\$	\$ 25.00	\$ 18,226.38	\$ 2,562.94	\$ 2,102.19	\$ 108,871.04

Asterisk indicates credit item.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939
GENERAL BALANCE SHEET—ENTIRE COMPANY
(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	LIABILITIES								
	Corporate Capital Liabilities	Non-Corporate Proprietor- ship	Funded Debt	Current Liabilities	Accrued Liabilities	Deferred Credits	Reserve Accounts	Corporate Surplus	Grand Total
TRUCK OPERATIONS—COMMON CARRIER									
W. L. Akins Transportation Co., Inc....	\$ 5,000.00	\$.....	\$.....	\$.....	\$ 148.50	\$.....	\$.....	\$*1,194.37	\$ 3,954.13
Bee Line Transfer.....	10,321.29	10,321.29	.....	1,682.63	336.83	.....	14,292.33	.....	26,633.08
Brown Motor Freight & Boat Lines, Inc.	19,813.70	.....	745.00	16,608.41	.....	.....	8,871.34	*20,121.11	25,917.34
C. & H. Transfer Company.....	.....	1,385.34	.....	.....	405.17	.....	19,261.47	.....	21,051.98
Chastain Transfer Line.....	.....	504.18	.....	233.20	10.84	.....	195.98	.....	944.20
Five Transportation Co.....	.....	15,931.74	2,188.00	14,582.81	.....	.....	26,054.02	.....	58,756.57
Fogarty Brothers Transfer, Inc.....	10,000.00	.....	.....	5,553.79	480.58	.....	21,605.55	* 407.59	37,232.33
Green Brothers Transfer Co.....	.....	3,418.69	1,116.00	200.00	7.46	.....	5,199.77	.....	9,941.92
Highway Transportation Co.....	1,500.00	.....	.....	372.54	.....	.....	360.00	* 636.83	1,595.71
Hunt Truck Line.....	.....	20,556.05	.....	11,889.38	394.95	.....	10,213.20	.....	43,053.58
Marshall Transfer Co.....	.....	4,771.42	.....	.....	116.52	.....	1,002.39	.....	5,890.33
Overseas Transportation Co., Inc.....	11,500.00	.....	8,000.00	15,834.78	970.81	.....	12,573.50	* 1,189.59	47,689.50
Peters Truck Line.....	.....	4,293.02	.....	149.13	.....	.....	323.20	.....	4,765.35
Pittman Truck Line, ended July 31, 1939	.....	4,406.90	273.16	1,344.60	108.47	.....	5,347.16	.....	11,480.29
Pittman Truck Line, August 1 to December 31, 1939.....	.....	3,290.21	.....	.....	95.11	.....	223.43	.....	3,608.75
Star Truck Line, Inc.....	12,755.89	.....	.....	26,716.56	627.36	.....	13,088.14	*11,691.84	41,496.11
Tarpon Truck Line.....	.....	10,049.75	.....	.....	.....	.....	877.25	.....	10,927.00
Union Express Freight Co., Inc.....	17,075.00	.....	.....	7,653.14	608.87	.....	7,537.22	* 9,858.65	23,015.58
Walters Truck Line.....	.....	1,294.58	.....	.....	11.13	.....	614.38	.....	1,920.09
Total Truck Operations— Common Carrier.....	\$ 77,644.59	\$80,223.17	\$ 12,322.16	\$ 102,820.97	\$ 4,322.60	\$.....	\$ 147,640.33	*\$45,099.98	\$ 379,873.84

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939
GENERAL BALANCE SHEET—ENTIRE COMPANY
(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	LIABILITIES								
	Corporate Capital Liabilities	Non-Corporate Proprietor- ship	Funded Debt	Current Liabilities	Accrued Liabilities	Deferred Credits	Reserve Accounts	Corporate Surplus	Grand Total
BUS OPERATIONS—COMMON CARRIER									
Clarke Motor Lines.....	\$.....	\$ 804.05	\$.....	\$ 2,488.30	\$.....	\$.....	\$ 979.60	\$.....	\$ 4,271.55
Gator Motor Lines, Inc.....	500.00			1,061.65	703.45		930.00	* 356.34	2,838.76
Georgia Stages, Inc.....	123,200.00		41,835.12	73,547.54	22,344.90	343.18	71,770.32	22,855.29	355,896.35
Glades "K" Motor Lines.....		5,008.45	6,796.63	1,495.55	155.61		7,543.90		21,000.14
Gulf Coast Motor Lines, Inc.....	500.00						4,000.00	5,723.77	10,223.77
Lee Coach Line.....		407.84	1,995.24	12,126.27	1,013.58		8,972.41		24,515.34
J. O. Miller Bus Line.....		640.93	980.00	1,451.88			389.58		3,462.39
Monroeville Bus Co., Inc.....	2,500.00		3,366.98	7,027.71			13,431.29	1,360.55	27,686.53
Orlando Transit Co.....	20,000.00		12,181.65	8,326.06	1,404.46		19,636.07	3,807.86	65,356.10
Pass-a-Grille Beach Bus Line.....				7,529.52	158.00		6,067.81	3,880.12	17,635.45
Southern Tours, Inc.....	2,400.00		1,344.50	38,577.15			26,136.29	*34,513.36	33,944.58
Tallahassee-Monticello Bus Line.....		568.15		32.84	8.64		315.62		925.25
West Florida Transportation Co.....	5,000.00			1,763.75				* 5,052.88	1,71.87
Total Bus Operations— Common Carrier.....	\$ 154,100.00	\$ 7,429.42	\$ 68,500.12	\$ 155,428.22	\$25,788.64	\$ 343.18	\$ 160,172.49	\$*2,294.99	\$ 569,467.08
COMBINATION BUS AND TRUCK OPERATIONS									
McJunkin, Wayne F.....	\$.....	\$10,221.38	\$ 6,230.69	\$ 145.00	\$ 77.44	\$.....	\$ 5,600.56	\$.....	\$ 22,275.07
St. Andrews Bay Transportation Co.....	11,500.00		45,453.37	8,030.19	277.63	1,732.71	9,731.14	*12,157.70	64,567.34
University City Transfer Co., Inc.....	7,000.00		750.65	4,001.60	526.09		11,251.27	* 1,500.98	22,028.63
Total Combination Bus and Truck Operations.....	\$ 18,500.00	\$10,221.38	\$ 52,434.71	\$ 12,176.79	\$ 881.16	\$ 1,732.71	\$ 26,582.97	\$*13,658.68	\$ 108,871.04

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Balance at Beginning of Period	Transferred from Income Account	Miscellaneous Credits	Miscellaneous Debits to P. & L. Account	Balance at Close of Period
TRUCK OPERATIONS—COMMON CARRIER					
W. L. Akins Transportation Co., Inc.....	\$ * 2,233.87	\$ 1,039.50	\$	\$	\$ * 1,194.37
Bee Line Transfer.....		616.54		616.54	
Brown Motor Freight & Boat Lines, Inc.....	* 12,208.84	* 912.27			* 20,121.11
C. & H. Transfer Co.....		951.28		951.28	
Chastain Transfer Line.....		394.69		394.69	
Five Transportation Co.....		368.45	* 5.00	* 373.45	
Fogarty Brothers Transfer, Inc.....	* 980.91	1,543.49		970.17	* 407.59
Green Brothers Transfer Co.....		407.03		407.03	
Highway Transportation Co.....	* 626.08	* 10.75			* 636.83
Hunt Truck Line.....		5,629.45	1,057.33	6,686.78	
Marshall Transfer Co.....		2,313.17		2,313.17	
Overseas Transportation Co., Inc.....	4,351.77	* 5,541.36			* 1,189.59
Peters Truck Line.....		4,045.58		4,045.58	
Pittman Truck Line, ended July 31, 1939.....		2,530.25		2,530.25	
Pittman Truck Line, August 1 to December 31, 1939.....		* 914.10		914.10	
Star Truck Line, Inc.....	* 9,278.13	* 2,513.71	100.00		* 11,691.84
Tarpon Truck Line.....		688.82		688.82	
Union Express Freight Co., Inc.....	* 11,373.39	1,207.14	378.09	70.49	* 9,858.65
Walters Truck Line.....		14.92		14.92	
Total Truck Operations—Common Carrier.....	\$ * 39,349.45	\$ 11,121.22	\$ 1,530.42	\$ 18,402.17	* 45,099.98

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939
PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Balance at Beginning of Period	Transferred from Income Account	Miscellaneous Credits	Miscellaneous Debits to P. & L. Account	Balance at Close of Period
BUS OPERATIONS—COMMON CARRIER					
Clarke Motor Lines.....	\$.....	\$ * 3,205.50	\$.....	\$ * 3,205.50	\$.....
Gator Motor Lines, Inc.....	200.72	357.06		200.00	* 356.34
Georgia Stages, Inc.....	5,642.95	46,157.11	1,535.23	30,480.00	22,855.29
Glades "K" Motor Lines.....		2,022.69		2,022.69	
Gulf Coast Motor Lines, Inc.	5,924.97	* 201.20			5,723.77
Lee Coach Line.....		* 479.85		479.85	
J. O. Miller Bus Line.....		* 41.13	85.92	44.79	
Monroeville Bus Co., Inc.....	2,757.76	* 1,232.57	299.86	464.50	1,360.55
Orlando Transit Co.....	3,483.91	323.95			3,807.86
Pass-a-Grille Beach Bus Line.....		* 972.00		2,883.14	3,880.12
Southern Tours, Inc.....	* 36,179.20	* 460.16			* 36,639.36
Tallahassee-Monticello Bus Line.....		423.46		423.46	
West Florida Transportation Co.....		* 5,052.88			* 5,052.88
Total Bus Operations—Common Carrier.....	\$ * 10,433.63	\$ 36,924.86	1,921.01	\$ 32,833.23	\$* 4,420.99
COMBINATION BUS AND TRUCK OPERATIONS					
McJunkin, Wayne F.....	\$.....	\$ 2,292.34	\$.....	\$ 2,292.34	\$.....
St. Andrews Bay Transportation Company.....	* 8,139.75	2,828.72		6,846.67	* 12,157.70
University City Transfer Co., Inc.....	* 2,628.83	1,127.85			1,500.98
Total Combination Bus and Truck Operations.....	\$ * 10,768.58	\$ 6,248.91	\$.....	\$ 9,139.01	\$ * 13,658.68

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

INCOME ACCOUNT—ENTIRE LINE

(Gross revenues less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Auto Operating Revenues	Auto Operating Expenses	Net Revenue from Auto Operations	Net Revenue Affiliated or Auxiliary Operations	Net Operating Revenue	Auto Tax Accruals	Non- Operating Income	Income Deductions	Net Balance Carried to P. & L. Acct.
TRUCK OPERATIONS— COMMON CARRIER									
W. L. Akins Transportation Co. Inc.	\$	\$	\$	\$	\$	\$ 160.50	\$ 1,200.00	\$	\$ 1,039.50
Bee Line Transfer	34,906.50	28,438.67	6,467.83	* 1,505.40	4,962.43	4,174.91		170.98	616.54
Brown Motor Freight & Boat Lines, Inc.	14,187.38	12,884.84	1,302.54		1,302.54	1,988.75	3,000.00	3,226.06	* 912.27
C. & H. Transfer Company	12,615.59	7,957.95	4,657.64	* 2,468.05	2,189.59	1,238.31			951.28
Chastain Transfer Line	2,716.96	2,127.05	589.91	166.77	756.68	328.99		33.00	394.69
Five Transportation Company	106,844.33	92,641.93	14,202.40		14,202.40	11,884.21		2,686.64	* 368.45
Fogarty Brothers Transfer, Inc.	44,821.87	43,415.34	1,406.53	3,572.71	4,979.24	6,399.33	3,148.19	184.61	1,543.49
Green Brothers Transfer Company	18,606.16	15,844.25	2,761.91		2,761.91	1,879.50		475.38	407.03
Highway Transportation Company	2,045.38	1,542.00	503.38		503.38	514.13			* 10.75
Hunt Truck Line	56,641.10	42,118.03	14,523.07		14,523.07	8,400.52		493.10	5,629.45
Marshall Transfer Co.	4,036.95	2,916.18	1,120.77	2,104.68	3,225.45	537.88		374.40	2,313.17
Overseas Transportation Co., Inc.	74,250.21	71,474.32	2,775.89		2,775.89	831.25			* 5,541.36
Peters Truck Line	12,796.75	7,652.25	5,144.50		5,144.50	1,098.92			4,045.58
Pittman Truck Line, ended July 31, 1939	9,506.22	6,044.36	3,461.86		3,461.86	768.40		163.21	2,530.25
Pittman Truck Line, August 1 to December 31, 1939	4,314.72	4,555.19	* 240.47		* 240.47	673.63			* 914.10
Star Truck Line, Inc.	62,257.39	54,078.63	8,178.76		8,178.76	9,947.24		754.23	* 2,513.71
Tarpon Truck Line	5,692.85	4,446.93	1,245.92		1,245.92	557.10			688.82
Union Express Freight Co., Inc.	41,909.48	34,937.76	6,971.72		6,971.72	4,191.56		1,573.02	1,207.14
Walters Truck Line	2,461.29	1,995.76	465.53		465.53	450.61			14.92
Total Truck Operations—Common Carrier	\$ 510,611.13	\$ 435,071.44	\$ 75,539.69	\$ 1,870.71	\$ 77,410.40	\$ 63,511.74	\$ 7,348.19	\$ 10,125.63	\$ 11,121.22

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

INCOME ACCOUNT—ENTIRE LINE

(Gross revenues less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Auto Operating Revenues	Auto Operating Expenses	Net Revenue from Auto Operations	Net Revenue Affiliated or Auxiliary Operations	Net Operating Revenue	Auto Tax Accruals	Non- Operating Income	Income Deductions	Net Balance Carried to P. & L. Account
BUS OPERATIONS—COMMON CARRIER									
Clarke Motor Lines.....	\$ 4,329.54	\$ 6,421.75	\$ * 2,092.21	\$	\$ * 2,092.21	\$ 1,060.29	\$	\$ 53.00	\$ * 3,205.50
Gator Motor Lines, Inc.....	10,117.94	8,331.41	1,786.53	.....	1,786.53	2,095.66	.....	47.93	* 357.06
Georgia Stages, Inc.....	389,249.91	287,974.94	101,274.97	.....	101,274.97	52,863.41	382.93	2,637.38	46,157.11
Glades "K" Motor Lines.....	27,623.35	20,154.63	7,468.72	.....	7,468.72	4,442.18	.....	1,003.85	* 2,022.69
Gulf Coast Motor Lines, Inc.....	17,815.95	16,501.30	1,314.65	.....	1,314.65	1,515.85	.....	.....	* 201.20
Lee Coach Line.....	39,462.61	31,014.98	8,447.63	.....	8,447.63	8,428.21	.....	499.27	* 479.85
J. O. Miller Bus Line.....	2,854.79	2,502.44	352.35	.....	352.35	310.50	.....	82.98	* 41.13
Monroeville Bus Co., Inc.....	40,077.09	37,826.49	2,250.60	.....	2,250.60	3,088.69	.....	394.48	* 1,232.57
Orlando Transit Co.....	9,685.05	9,254.94	430.11	.....	430.11	1,386.13	1,527.06	247.09	* 323.95
Pass-a-Grille Beach Bus Line.....	16,461.81	14,621.85	1,839.96	.....	1,839.96	2,631.73	.....	180.23	* 972.00
Southern Tours, Inc.....	16,933.63	15,637.63	1,296.00	.....	1,296.00	1,721.73	.....	34.43	* 460.16
Tallahassee-Monticello Bus Line.....	1,416.25	743.37	672.88	.....	672.88	220.95	.....	28.47	* 423.46
West Florida Transportation Co.....	2,831.01	6,610.16	* 3,779.15	.....	* 3,779.15	1,273.73	.....	.....	* 5,052.88
Total Bus Operations—Common Carrier.....	\$ 578,858.93	\$ 457,595.89	\$ 121,263.04	\$	\$ 121,263.04	\$ 81,039.06	\$ 1,909.99	\$ 5,209.11	\$ 36,924.86
COMBINATION BUS AND TRUCK OPERATIONS									
McJunkin, Wayne F.....	\$ 18,925.09	\$ 13,621.98	\$ 5,303.11	\$	\$ 5,303.11	\$ 2,443.14	\$	\$ 567.63	\$ 2,292.34
St. Andrews Bay Transportation Co.....	73,774.91	53,716.13	20,058.78	.....	20,058.78	16,931.86	.....	298.20	2,828.72
University City Transfer Co., Inc.....	40,911.29	32,842.98	8,068.31	.....	8,068.31	6,551.63	.....	388.83	1,127.85
Total Combination Bus and Truck Operations.....	\$ 133,611.29	\$ 100,181.09	\$ 33,430.20	\$	\$ 33,430.20	\$ 25,925.63	\$	\$ 1,254.66	\$ 6,248.91

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING REVENUES—ENTIRE LINE

(Gross revenues less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Freight Revenue	Total Revenue from Transportation	Miscellaneous Operating Revenue	Total Revenue
TRUCK OPERATIONS—COMMON CARRIER				
W. L. Akins Transportation Co., Inc.	\$ 34,408.30	\$ 34,408.30	\$ 498.20	\$ 34,906.50
Bee Line Transfer.....	14,105.34	14,105.34	82.04	14,187.38
Brown Motor Freight & Boat Lines, Inc.	12,380.06	12,380.06	235.53	12,615.59
C. & H. Transfer Co.	2,716.96	2,716.96		2,716.96
Chastain Transfer Line.....	106,732.03	106,732.03	112.30	106,844.33
Five Transportation Co.	43,758.59	43,758.59	1,063.28	44,821.87
Fogarty Brothers Transfer, Inc.	17,759.03	17,759.03	847.13	18,606.16
Green Brothers Transfer Co.	2,044.45	2,044.45	.93	2,045.38
Highway Transportation Co.	55,693.19	55,693.19	947.91	56,641.10
Hunt Truck Line.....	3,971.93	3,971.93	65.02	4,036.95
Marshall Transfer Co.	72,996.86	72,996.86	1,253.35	74,250.21
Overseas Transportation Co., Inc.	12,391.41	12,391.41	405.34	12,796.75
Peters Truck Line.....	9,495.81	9,495.81	10.41	9,506.22
Pittman Truck Line, ended July 31, 1939.....	4,311.58	4,311.58	3.14	4,314.72
Pittman Truck Line, August 1 to December 31, 1939.....	61,372.28	61,372.28	885.11	62,257.39
Star Truck Line, Inc.	5,692.85	5,692.85		5,692.85
Tarpon Truck Line.....	41,660.62	41,660.62	248.86	41,909.48
Union Express Freight Co., Inc.	2,461.29	2,461.29		2,461.29
Walters Truck Line.....				
Total Truck Operations—Common Carrier.....	\$ 503,952.58	\$ 503,952.58	\$ 6,658.55	\$ 510,611.13

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING REVENUES—ENTIRE LINE

(Gross revenues less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Passenger Revenue	Baggage Revenue	Special Chartered for Hire Bus Revenue	U.S. Mail (on Buses)	Express Revenue	Freight Revenue	Total Revenue from Transportation	Miscellaneous Operating Revenue	Total Revenue
BUS OPERATIONS—COMMON CARRIER									
Clarke Motor Lines	\$ 3,879.76	\$	\$	\$	\$ 449.78	\$	\$ 4,329.54	\$	\$ 4,329.54
Gator Motor Lines, Inc.	9,669.07	.....	40.80	.....	298.07	.....	10,007.94	110.00	10,117.94
Georgia Stages, Inc.	373,871.49	.....	5,616.75	1,200.00	7,933.41	.....	388,621.65	628.26	389,249.91
Glades "K" Motor Lines	23,243.61	.....	.....	.....	3,942.96	.....	27,186.57	436.78	27,623.35
Gulf Coast Motor Lines, Inc.	14,719.80	.....	.....	.....	3,096.15	.....	17,815.95	.....	17,815.95
Lee Coach Line	35,485.99	.....	.....	1,590.00	2,386.62	.....	39,462.61	.....	39,462.61
J. O. Miller Bus Line	2,592.35	262.44	.....	.....	.....	.....	2,854.79	.....	2,854.79
Monroeville Bus Co., Inc.	38,630.10	.....	.....	.....	1,446.99	.....	40,077.09	.....	40,077.09
Orlando Transit Co.	9,685.05	.....	.....	.....	.....	.....	9,685.05	.....	9,685.05
Pass-a-Grille Beach Bus Line	16,367.11	.....	.....	.....	.....	.....	16,367.11	94.70	16,461.81
Southern Tours, Inc.	16,933.63	.....	.....	.....	.....	.....	16,933.63	.....	16,933.63
Tallahassee-Monticello Bus Line	812.00	.....	.....	594.00	10.25	.....	1,416.25	.....	1,416.25
West Florida Transportation Co.	2,791.26	.....	.....	.....	39.75	.....	2,831.01	.....	2,831.01
Total Bus Operations—Common Carrier	\$ 548,681.22	\$ 262.44	\$ 5,657.55	\$ 3,384.00	\$ 19,603.98	\$	\$ 577,589.19	\$ 1,269.74	\$ 578,858.93
COMBINATION BUS AND TRUCK OPERATIONS									
McJunkin, Wayne F.	\$ 6,150.33	\$	\$	\$	\$ 916.66	\$ 11,852.78	\$ 18,919.77	\$ 5.32	\$ 18,925.09
St. Andrews Bay Transportation Co.	37,261.24	.80	.....	5,737.34	2,127.84	28,376.28	73,503.50	271.41	73,774.91
University City Transfer Co., Inc.	361.40	.....	.....	1,720.00	.....	38,393.36	40,474.76	436.53	40,911.29
Total Combination Bus and Operations	\$ 43,772.97	\$.80	\$	\$ 7,457.34	\$ 3,044.50	\$ 78,622.42	\$ 132,898.03	\$ 713.26	\$ 133,611.29

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING EXPENSES—ENTIRE COMPANY

(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Maintenance of Plant and Equipment	Operating Garage Expenses	Transportation	Traffic Express	Administrative and General Expenses	Total Operating Expenses
TRUCK OPERATIONS—COMMON CARRIER						
W. L. Akins Transportation Co., Inc.	\$	\$	\$	\$	\$	\$
Bee Line Transfer	5,037.03		12,682.66	339.46	10,379.52	28,438.67
Brown Motor Freight & Boat Lines, Inc.	3,313.06		4,774.63	28.73	4,768.42	12,884.84
C. & H. Transfer Co.	1,054.40		5,539.75	120.00	1,243.80	7,957.95
Chastain Transfer Line	274.42		1,646.50		206.13	2,127.05
Five Transportation Co.	24,466.56		43,139.27		25,036.10	92,641.93
Fogarty Brothers Transfer, Inc.	10,058.40		17,370.73	2,139.68	13,846.53	43,415.34
Green Brothers Transfer Co.	3,191.40		8,355.12	535.97	3,761.76	15,844.25
Highway Transportation Co.	352.58		912.72	100.75	175.95	1,542.00
Hunt Truck Line	15,284.38		18,091.71	1,943.17	6,798.77	42,118.03
Marshall Transfer Co.	293.33		1,539.55	12.05	1,071.25	2,916.18
Overseas Transportation Co., Inc.	11,297.75		36,353.35	518.44	23,304.78	71,474.32
Peters Truck Line	839.05		3,658.20		3,155.00	7,652.25
Pittman Truck Line, ended July 31, 1939	2,240.74		2,251.58	60.00	492.04	6,044.36
Pittman Truck Line, August 1 to December 31, 1939	1,151.05		2,146.86	22.65	1,234.63	4,555.19
Star Truck Line, Inc.	9,675.08		32,447.06	287.54	11,668.95	54,078.63
Tarpon Truck Line	656.15		1,326.50		2,464.28	4,446.93
Union Express Freight Co., Inc.	6,330.19		18,314.17		10,293.40	34,937.76
Walters Truck Line	523.23		1,213.03		259.50	1,995.76
Total Truck Operations—Common Carrier	\$ 97,038.80	\$	\$ 211,763.39	\$ 6,108.44	\$ 120,160.81	\$ 435,071.44

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING EXPENSES—ENTIRE COMPANY

(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Maintenance of Plant and Equipment	Operating Garage Expenses	Transportation	Traffic Express	Administrative and General Expenses	Total Operating Expenses
BUS OPERATIONS—COMMON CARRIER						
Clarke Motor Lines.....	\$ 1,648.37	\$.....	\$ 2,324.90	\$ 47.75	\$ 2,400.73	\$ 6,421.75
Gator Motor Lines, Inc.....	1,914.12		4,245.68	111.56	2,060.05	8,331.41
Georgia Stages, Inc.....	89,750.65	17,456.53	128,227.52	14,754.59	37,785.65	287,974.94
Glades "K" Motor Lines.....	5,699.53		10,730.24	386.00	3,338.86	20,154.63
Gulf Coast Motor Lines, Inc.....	3,437.81		3,966.35	51.35	9,045.79	16,501.30
Lee Coach Line.....	6,781.09	2,917.46	11,893.98	144.55	9,277.90	31,014.98
J. O. Miller Bus Line.....	755.88		826.45	51.25	868.86	2,502.44
Monroeville Bus Company, Inc.....	10,428.62		15,362.92	93.63	11,941.32	37,826.49
Orlando Transit Company.....	2,297.90	701.75	5,520.07	25.79	709.43	9,254.94
Pass-a-Grille Beach Bus Line.....	4,943.28		6,492.19	129.90	3,056.48	14,621.85
Southern Tours Inc.....	2,975.60	707.83	3,944.83	2,685.21	5,324.16	15,637.63
Tallahassee-Monticello Bus Line.....	254.13	87.61	237.38		164.25	743.37
West Florida Transportation Company.....	3,008.07		1,473.40		2,128.69	6,610.16
Total Bus Operations—Common Carrier.....	\$ 133,895.05	\$ 21,871.18	\$ 195,245.91	\$ 18,481.58	\$ 88,102.17	\$ 457,595.89
COMBINATION BUS AND TRUCK OPERATIONS						
McJunkin, Wayne F.	\$ 6,324.85	\$.....	\$ 4,466.02	\$.....	\$ 2,831.11	\$ 13,621.98
St. Andrews Bay Transportation Company.....	17,911.68	458.14	28,424.37	971.07	5,950.87	53,716.13
University City Transfer Company, Inc.....	6,269.32		17,788.43	736.09	8,049.14	32,842.98
Total Combination Bus and Truck Operations.....	\$ 30,505.85	\$ 458.14	\$ 50,678.82	\$ 1,707.16	\$ 16,831.12	\$ 100,181.09

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

TAXES ACCRUED AND PAID

(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	On Auto Transportation Property	On Property Used in Affiliated or Auxiliary Operations	Miscellaneous Physical Property	Total Accrued During Year	Total Paid During Year
TRUCK OPERATIONS—COMMON CARRIER					
W. L. Akins Transportation Company, Inc.	\$ 160.50	\$	\$	\$ 160.50	\$ 160.50
Bee Line Transfer	4,174.91	3,407.84		7,582.75	7,334.08
Brown Motor Freight & Boat Lines, Inc.	1,988.75		24.81	2,013.56	1,998.56
C. & H. Transfer Company	1,238.31	5,248.20		6,486.51	6,458.10
Chastain Transfer Line	328.99	21.23		350.22	344.06
Five Transportation Company	11,884.21			11,884.21	11,884.21
Fogarty Brothers Transfer, Inc.	6,399.33	1,099.16	691.56	8,190.05	8,282.45
Green Brothers Transfer Company	1,879.50			1,879.50	2,131.50
Highway Transportation Company	514.13			514.13	514.13
Hunt Truck Line	8,400.52			8,400.52	8,485.62
Marshall Transfer Company	537.88	454.38		992.26	949.84
Overseas Transportation Company, Inc.	8,317.25			8,317.25	8,911.83
Peters Truck Line	1,098.92			1,098.92	1,098.92
Pittman Truck Line ended July 31, 1939	768.40			768.40	1,007.52
Pittman Truck Line, August 1 to December 31, 1939	673.63			673.63	425.15
Star Truck Line, Inc.	9,947.24			9,947.24	10,225.58
Tarpon Truck Line	557.10			557.10	557.10
Union Express Freight Company, Inc.	4,191.56			4,191.56	3,582.69
Walters Truck Line	450.61			450.61	450.82
Total Truck Operations—Common Carrier	\$ 63,511.74	\$ 10,230.81	\$ 716.37	\$ 74,458.92	\$ 74,802.66

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

TAXES ACCRUED AND PAID

(Gross revenue less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	On Auto Transportation Property	On Property Used in Affiliated or Auxiliary Operations	Miscellaneous Physical Property	Total Accrued During Year	Total Paid During Year
BUS OPERATIONS—COMMON CARRIER					
Clarke Motor Lines.....	\$ 1,060.29	\$	\$	\$ 1,060.29	\$ 1,060.29
Gator Motor Lines, Inc.....	2,095.66	.....	.....	2,095.66	2,019.81
Georgia Stages, Inc.....	52,863.41	.....	.....	52,863.41	52,456.99
Glades "K" Motor Lines.....	4,442.18	.....	.....	4,442.18	4,522.96
Gulf Coast Motor Lines, Inc.....	1,515.85	.....	.....	1,515.85	1,515.85
Lee Coach Line.....	8,428.21	.....	.....	8,428.21	8,412.55
J. O. Miller Bus Line.....	310.50	.....	.....	310.50	310.50
Monroeville Bus Company, Inc.....	3,088.69	.....	.....	3,088.69	3,088.69
Orlando Transit Company.....	1,386.13	.....	4,343.82	5,729.95	5,898.86
Pass-a-Grille Beach Bus Line.....	2,631.73	.....	.....	2,631.73	2,288.48
Southern Tours Inc.....	1,721.73	.....	.....	1,721.73	1,990.73
Tallahassee-Monticello Bus Line.....	220.95	.....	.....	220.95	221.91
West Florida Transportation Company.....	1,273.73	.....	.....	1,273.73	1,273.73
Total Bus Operations—Common Carrier.....	\$ 81,039.06	\$	\$ 4,343.82	\$ 85,382.88	\$ 85,061.35
COMBINATION BUS AND TRUCK OPERATIONS					
McJunkin, Wayne F.....	\$ 2,443.14	\$	\$	\$ 2,443.14	\$ 2,441.54
St. Andrews Bay Transportation Company.....	16,931.86	.....	.....	16,931.86	16,744.09
University City Transfer Company, Inc.....	6,551.63	.....	.....	6,551.63	6,959.27
Total Combination Bus and Truck Operations.....	\$ 25,926.63	\$	\$	\$ 25,926.63	\$ 26,144.90

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS—ENTIRE LINE

(Gross revenues less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Average Miles of Road Operated	REVENUE MILES		TONS REVENUE FREIGHT CARRIED
		Freight, Express and Mail Trucks	Truck Trailers	
TRUCK OPERATIONS—COMMON CARRIER				
W. L. Akins Transportation Company, Inc.				
Bee Line Transfer	28	57,487		10,107
Brown Motor Freight & Boat Lines, Inc.	113	62,236		2,217
C. & H. Transfer Company	23	35,881		1,615
Chastain Transfer Line	35	5,062		378
Five Transportation Company	677	566,608		12,720
Fogarty Brothers Transfer, Inc.	56	1,229,097	244,553	6,950
Green Brothers Transfer Company	28	34,753		2,696
Highway Transportation Company	53	16,380		268
Hunt Truck Line	300	213,472		8,772
Marshall Transfer Company	23	14,352		493
Overseas Transportation Company, Inc.	300	219,112	201,584	6,576
Peters Truck Line	38	41,958		15,504
Pittman Truck Line, ended July 31, 1939	280	150,914		168
Pittman Truck Line, August 1 to December 31, 1939	158	18,752		375
Star Truck Line, Inc.	469	299,591		8,891
Tarpon Truck Line	29	17,806		779
Union Express Freight Company, Inc.	195	154,896		5,640
Walters Truck Line	27	13,441		235
Total Truck Operations—Common Carrier	2,832	3,151,798	446,137	84,384

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS—ENTIRE LINE
(Gross revenues less than \$100,000 annually)

NAME OF COMPANY OR OPERATOR	Average Miles of Road Operated	REVENUE MILES				REVENUE PASSENGERS CARRIED		Tons Revenue Freight Carried
		PASSENGER BUSES		Freight Express and Mail Trucks	Truck Trailers	Regular Tariff Rate	Excursion or Special Rates	
		Regular Service	Excursion or Special					
BUS OPERATIONS—COMMON CARRIER								
Clarke Motor Lines.....	100	68,600				10,093		
Gator Motor Lines, Inc.....	182	163,566	148			13,800		
Georgia Stages, Inc.....	1,251	2,590,335	25,298			676,403	3,292	
Glades "K" Motor Lines.....	304	267,123				24,573		
Gulf Coast Motor Lines, Inc.....	37	117,525				29,653		
Lee Coach Line.....	1,264	660,376				59,076		
J. O. Miller Bus Line.....	18	26,892				3,654		
Monroeville Bus Company, Inc.....	402	327,040				53,291		
Orlando Transit Company.....	19	86,850				64,567		
Pass-a-Grille Beach Bus Line.....	31	127,222				111,579		
Southern Tours Inc.....		65,086	58			4,469	16	
Tallahassee-Monticello Bus Line.....	24	21,334				554		
West Florida Transportation Company.....	66	59,092				5,816		
Total Bus Operations—Common Carrier.....	3,698	4,581,041	25,504			1,057,528	3,308	
COMBINATION BUS AND TRUCK OPERATIONS								
McJunkin, Wayne F.....	66	77,036		20,058		17,555		1,237
St. Andrews Bay Transportation Company.....	350	363,456		219,554		67,782		3,713
University City Transfer Company, Inc.....	388	14,456		130,294	44,084	606		4,255
Total Combination Bus and Truck Operations.....	804	454,948		369,906	44,084	85,943		9,205

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

GENERAL BALANCE SHEET—ENTIRE LINE

(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	BUS OPERATIONS				
	Atlantic Greyhound Corporation	Florida Motor Lines Corporation	Southeastern Greyhound Lines	Teche Lines Incorporated	Union Bus Company
ASSETS					
Current assets.....	\$ 1,037,000.63	\$ 195,009.72	\$ 890,938.70	\$ 449,355.00	\$ 247,233.43
Carrier operating property.....	4,418,567.92	1,376,106.79	2,548,266.19	1,265,465.48	539,064.29
Reserve for depreciation and amortization.....	2,060,027.23	632,024.59	1,183,626.46	438,580.04	232,970.04
Noncarrier operating property.....					
Reserve for depreciation and amortization.....					
Nonoperating property.....		46,400.00			
Reserve for depreciation and amortization.....		21,936.59			
Organization, franchises and permits.....	35,007.33	980.78	46,023.90		
Reserve for amortization.....	1,136.43				
Other intangible property.....	3,205,353.11	714,313.93	2,817,262.26	498,641.98	257,323.07
Reserve for amortization.....	127,512.41			19,945.68	
Investment advances—associated companies.....	364,689.34	29,626.71	146,354.32	10,000.00	24,431.21
Other investments and advances.....	41,187.09		745.00	15,497.97	87,213.00
Special funds.....				11,000.00	
Deferred debits.....	159,644.83	34,859.95	49,923.92	55,513.04	1,343.60
Miscellaneous debit items.....			10,340.01		
Total Assets.....	\$ 7,072,774.18	\$ 1,743,336.70	\$ 5,326,227.84	\$ 1,846,947.75	\$ 923,638.56
Contingent assets.....					

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

GENERAL BALANCE SHEET—ENTIRE COMPANY

(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	BUS OPERATIONS				
	Atlantic Greyhound Corporation	Florida Motor Lines Corporation	Southeastern Greyhound Lines	Teche Lines Incorporated	Union Bus Company
LIABILITIES					
Current liabilities.....	\$ 718,888.28	\$ 282,844.15	\$ 686,354.19	\$ 370,695.49	\$ 67,434.84
Advances payable—associated companies.....	223,987.49				
Equipment obligations.....	610,000.00		472,560.50	296,850.00	
Bonds.....					50,000.00
Other long-term obligations.....		75,000.00	40,951.55		18,353.28
Deferred credits.....		1,800.00	5,712.83		142.50
Reserves—insurance, injuries, loss and damage, etc.....			28,230.23	2,500.00	19,445.37
Preferred capital stock.....	1,700,900.00		762,810.00		
Common capital stock.....	719,153.85	683,220.00	999,200.00	278,972.00	500,000.00
Premiums and assessments on capital stock.....			381,800.00		
Unearned surplus.....	63,712.24			24,781.29	
Earned surplus.....	3,036,132.32	700,472.55	1,948,608.54	873,148.97	268,262.57
Total Liabilities.....	\$ 7,072,774.18	\$ 1,743,336.70	\$ 5,326,227.84	\$ 1,846,947.75	\$ 923,638.56
Contingent liabilities.....	Indeterminable			\$ 205,644.07	

*—Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

GENERAL BALANCE SHEET—ENTIRE COMPANY

(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	TRUCK OPERATIONS						BUS & TRUCK OPERATIONS
	Acme Freight Lines, Inc.	Central Truck Lines, Inc.	Great Southern Trucking Co.	K. & L. Transportation Co., Inc.	L. & L. Freight Lines, Inc.	St. Johns River Line Company	Tamiami Trail Tours, Inc.
ASSETS							
Current assets.....	\$ 57,768.81	\$ 52,406.42	\$ 96,055.78	\$ 14,192.80	\$ 59,291.35	\$ 74,955.84	\$ 50,957.85
Carrier operating property.....	130,433.21	142,853.02	336,014.42	120,748.55	126,428.83	62,130.16	248,885.42
Reserve for depreciation and amortization.....	43,944.29	72,362.07	141,049.85	75,900.49	42,915.56	22,155.07	173,171.13
Noncarrier operating property.....						230,278.40	
Reserve for depreciation and amortization.....						88,649.73	
Nonoperating property.....				2,201.35			
Reserve for depreciation and amortization.....							
Organization, franchises and permits.....	3,019.93		393.22	831.00	15,131.36		
Reserve for amortization.....							
Other intangible property.....	9,656.41	26,066.24	40,721.87	2,207.50		36,900.00	67,795.38
Reserve for amortization.....				200.00			
Investment advances—associated companies.....							
Other investments and advances.....	3,277.64			2,100.00			
Special funds.....							
Deferred debits.....	14,514.20	9,406.30	52,383.83	7,842.78	47,696.59	12,573.29	7,046.23
Miscellaneous debit items.....	5.00						
Total Assets.....	\$ 174,730.91	\$ 158,369.91	\$ 384,519.27	\$ 74,023.49	\$ 205,632.57	\$ 306,032.89	\$ 201,513.75
Contingent assets.....							

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

GENERAL BALANCE SHEET—ENTIRE LINE

(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	TRUCK OPERATIONS						BUS & TRUCK OPERATIONS
	Acme Freight Lines, Inc.	Central Truck Lines, Inc.	Great Southern Trucking Co.	K. & L. Transportation Co., Inc.	L. & L. Freight Lines, Inc.	St. Johns River Line Company	Tamiami Trail Tours, Inc.
LIABILITIES							
Current liabilities.....	\$ 97,182.37	\$ 24,446.25	\$ 103,576.49	\$ 37,602.92	\$ 73,431.39	\$ 97,573.38	\$ 737,234.73
Advances payable—associated companies.....			2,984.22		5,000.00		
Equipment obligations.....	18,662.08	29,878.74	1,392.40	29,722.56	28,963.76	25,000.00	45,883.01
Bonds.....							
Other long-term obligations.....	3,450.00		48,000.00			9,231.46	9,200.00
Deferred credits.....			5,182.95				
Reserves—insurance, injuries, loss and damage, etc.....	279.25		1,240.79		497.02		
Preferred capital stock.....	25,100.00		4,147.00		30,000.00	24,600.00	
Common capital stock.....	10,000.00	80,000.00	130,441.50	5,000.00	20,000.00	9,888.00	13,000.00
Premiums and assessments on capital stock.....	5,325.00					84,879.08	
Unearned surplus.....			472.28		63,304.55		
Earned surplus.....	14,732.21	24,044.92	87,081.64	1,698.01	* 15,564.15	54,860.97	* 603,803.99
Total liabilities.....	\$ 174,730.91	\$ 158,369.91	\$ 384,519.27	\$ 74,023.49	\$ 205,632.57	\$ 306,032.89	\$ 201,513.75
Contingent liabilities.....							

*—Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939
UNEARNED AND EARNED SURPLUS—ENTIRE COMPANY
(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	BUS OPERATIONS				
	Atlantic Greyhound Corporation	Florida Motor Lines Corporation	Southeastern Greyhound Lines	Teche Lines Incorporated	Union Bus Company
UNEARNED SURPLUS					
Balance at beginning of year.....	\$ 63,712.24	\$.....	\$.....	\$ 24,781.29	\$.....
Additions during year.....					
Balance at close of year.....	\$ 63,712.24	\$.....	\$.....	\$ 24,781.29	\$.....
EARNED SURPLUS					
Earned surplus or deficit at beginning of year.....	\$ 2,804,765.31	\$ 552,209.19	\$ 1,647,207.90	\$ 716,618.22	\$ 71,558.50
Surplus credits applicable to prior years.....					140,000.00
Credit balance transferred from income account.....	837,735.01	353,229.36	546,648.02	667,252.75	121,899.44
Other credits to surplus.....			305.42		
Total Credits to Surplus.....	\$ 3,642,500.32	\$ 905,438.55	\$ 2,194,161.34	\$ 1,383,870.97	\$ 333,457.94
Surplus debits applicable to prior years.....	\$.....	\$.....	\$.....	\$.....	\$.....
Dividend appropriations.....	606,368.00	204,966.00	245,552.80	510,722.00	35,000.00
Appropriations to reserves.....					19,445.37
Other debits to surplus.....					10,750.00
Total Debits to Surplus.....	\$ 606,368.00	\$ 204,966.00	\$ 245,552.80	\$ 510,722.00	\$ 65,195.37
Earned surplus or deficit at close of year.....	\$ 3,036,132.32	\$ 700,472.55	\$ 1,948,608.54	\$ 873,148.97	\$ 268,262.57

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

UNEARNED AND EARNED SURPLUS—ENTIRE COMPANY

(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	TRUCK OPERATIONS						BUS & TRUCK OPERATIONS
	Acme Freight Lines, Inc.	Central Truck Lines, Inc.	Great Southern Trucking Co.	K. & L. Transportation Co., Inc.	L. & L. Freight Lines, Inc.	St. Johns River Line Company	Tamiami Trail Tours, Inc.
Balance at beginning of year.....	\$.....	\$.....	\$ 472.28	\$.....	\$ 58,134.78	\$.....	\$.....
Additions during year.....					5,169.77		
Balance at close of year.....	\$.....	\$.....	\$ 472.28	\$.....	\$ 63,304.55	\$.....	\$.....
EARNED SURPLUS							
Earned surplus or deficit at beginning of year.....	\$ 11,495.14	\$ 5,040.15	\$ 52,304.75	\$ *15,050.85	\$ *38,987.83	\$ 75,460.11	\$*606,683.49
Surplus credits applicable to prior years.....	234.39		358.71		1,577.47		390.00
Credit balance transferred from income account.....	5,304.84	23,804.77	34,418.18	16,748.86	29,948.42	21,710.28	2,520.06
Other credits to surplus.....	3,702.58					80.00	
Total Credits to Surplus.....	\$ 20,736.95	\$ 28,844.92	\$ 87,081.64	\$ 1,698.01	\$ * 7,461.94	\$ 97,250.39	\$*603,773.43
Surplus debits applicable to prior years.....	\$ 1,627.08	\$.....	\$.....	\$.....	\$ 8,102.21	\$ 21,732.42	\$.....
Divided appropriations.....	1,255.00	4,800.00				19,776.00	
Appropriations to reserves.....							
Other debits to surplus.....	3,122.66					881.00	30.56
Total Debits to Surplus.....	\$ 6,004.74	\$ 4,800.00	\$.....	\$.....	\$ 8,102.21	\$ 42,389.42	\$ 30.56
Earned surplus or deficit at close of year.....	\$ 14,732.21	\$ 24,044.92	\$ 87,081.64	\$ 1,698.01	\$ *15,564.15	\$ 54,860.97	\$*603,803.99

*-Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

INCOME ACCOUNT—ENTIRE COMPANY

(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	BUS OPERATIONS				
	Atlantic Greyhound Corporation	Florida Motor Lines Corporation	Southeastern Greyhound Lines	Teche Lines Incorporated	Union Bus Company
Operating revenues.....	\$ 6,569,602.29	\$ 2,044,812.99	\$ 4,076,774.23	\$ 2,595,934.95	\$ 901,494.41
Operation and maintenance expenses.....	\$ 3,835,064.06	\$ 1,137,839.46	\$ 2,372,025.07	\$ 1,185,085.95	\$ 527,543.50
Depreciation expense.....	541,541.73	141,075.69	325,682.88	159,224.54	77,003.01
Amortization chargeable to operations.....		3,489.06			
Operating taxes and licenses.....	790,596.58	290,663.01	585,154.20	295,955.66	112,500.02
Operating rents—Net.....	279,635.25	42,810.63	98,706.99	72,381.20	18,280.76
Total Expenses.....	\$ 5,446,837.62	\$ 1,615,877.85	\$ 3,381,569.14	\$ 1,712,647.35	\$ 735,327.29
Net operating revenue.....	\$ 1,122,764.67	\$ 428,935.14	\$ 695,205.09	\$ 883,287.60	\$ 166,167.12
Rent for lease of carrier property—debit.....	11,132.48				
Rent from lease of carrier property—credit.....	6,728.35			* 772.50	
Net carrier operating income.....	\$ 1,118,360.54	\$ 428,935.14	\$ 695,205.09	\$ 882,515.10	\$ 166,167.12
Other income.....	53,341.07	* 1,026.09	110.59	20.70	7,004.42
Gross income.....	\$ 1,171,701.61	\$ 427,909.05	\$ 695,315.68	\$ 882,535.80	\$ 173,171.54
Income deductions.....	101,888.30	6,082.64	23,104.16	25,758.20	6,616.06
Net income before income taxes.....	\$ 1,069,813.31	\$ 421,826.41	\$ 672,211.52	\$ 856,777.60	\$ 166,555.48
Provision for income taxes.....	232,078.30	68,597.05	125,563.50	189,524.85	44,656.04
Net income transferred to Earned Surplus.....	\$ 837,735.01	\$ 353,229.36	\$ 546,648.02	\$ 667,252.75	\$ 121,899.44

*-Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

INCOME ACCOUNT—ENTIRE COMPANY

(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	TRUCK OPERATIONS						BUS & TRUCK OPERATIONS
	Acme Freight Lines, Inc.	Central Truck Lines, Inc.	Great Southern Trucking Co.	K. & L. Transportation Co., Inc.	L. & L. Freight Lines, Inc.	St. Johns River Line Company	Tamiami Trail Tours, Inc.
Operating revenues.....	\$ 436,180.91	\$ 517,050.68	\$1,120,714.58	\$ 459,717.16	\$ 645,869.90	\$ 216,881.34	\$ 504,041.45
Operation and maintenance expenses.....	\$ 342,387.76	\$ 385,700.97	\$ 871,609.25	\$ 370,518.39	\$ 480,686.41	\$ 171,088.64	\$ 379,590.73
Depreciation expense.....	21,497.37	23,705.80	37,983.31	13,593.66	23,266.11	12,492.96	27,924.91
Amortization chargeable to operations.....				200.00	217.70		
Operating taxes and licenses.....	53,647.73	65,488.60	148,639.29	46,457.66	94,566.92	25,672.63	80,395.35
Operating rents—Net.....	7,860.42	11,603.30	12,061.89	7,965.00	7,834.13	3,880.49	8,954.35
Total Expenses.....	\$ 425,393.28	\$ 486,498.67	\$1,070,293.74	\$ 438,734.71	\$ 606,571.27	\$ 213,134.72	\$ 496,865.34
Net operating revenue.....	\$ 10,787.63	\$ 30,552.01	\$ 50,420.84	\$ 20,982.45	\$ 39,298.63	\$ 3,746.62	\$ 7,176.11
Rent for lease of carrier property—debit.....	1,800.00				1,200.00		
Rent from lease of carrier property—credit.....							
Net carrier operating income.....	\$ 8,987.63	\$ 30,552.01	\$ 50,420.84	\$ 20,982.45	\$ 38,098.63	\$ 3,746.62	\$ 7,176.11
Other income.....	177.05				.43	24,860.80	
Gross Income.....	\$ 9,164.68	\$ 30,552.01	\$ 50,420.84	\$ 20,982.45	\$ 38,099.06	\$ 28,607.42	\$ 7,176.11
Income deductions.....	2,593.16	2,125.88	6,801.55	3,965.49	2,232.69	3,479.90	3,349.15
Net income before income taxes.....	\$ 6,571.52	\$ 28,426.13	\$ 43,619.29	\$ 17,016.96	\$ 35,866.37	\$ 25,127.52	\$ 3,826.96
Provision for income taxes.....	1,266.68	4,621.36	9,201.11	268.10	5,917.95	3,417.24	1,306.90
Net income transferred to Earned Surplus.....	\$ 5,304.84	\$ 23,804.77	\$ 34,418.18	\$ 16,748.86	\$ 29,948.42	\$ 21,710.28	\$ 2,520.06

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939
OPERATING REVENUES AND EXPENSES—ENTIRE LINE
(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	BUS OPERATIONS				
	Atlantic Greyhound Corporation	Florida Motor Lines Corporation	Southeastern Greyhound Lines	Tecumseh Lines Incorporated	Union Bus Company
OPERATING REVENUES					
Freight revenue—common carrier.....	\$	\$	\$	\$	\$
Freight revenue—contract carrier.....					
Passenger revenue.....	6,333,058.71	1,915,413.64	3,918,050.24	2,449,540.14	866,687.65
Special bus revenue.....	71,986.86	42,193.17	51,831.46	27,246.05	7,469.42
Baggage revenue.....	911.19	831.82	527.89	464.18	107.37
Mail revenue.....	2,494.17	2,269.21	724.42	3,455.64	
Express revenue.....	51,692.04	59,773.41	56,835.76	58,832.86	9,281.59
Newspaper revenue.....	24,293.69	8,343.35	32,575.26	23,612.66	8,399.63
Miscellaneous station revenue.....	85,165.63	15,988.39	16,229.20	32,783.42	9,548.75
Miscellaneous terminal revenue.....					
Other operating revenue.....					
Total Operating Revenue.....	\$ 6,569,602.29	\$ 2,044,812.99	\$ 4,076,774.23	\$ 2,595,934.95	\$ 901,494.41
OPERATING EXPENSES					
Equipment maintenance and garage expense.....	\$ 892,950.66	\$ 242,506.75	\$ 630,701.14	\$ 276,666.98	\$ 109,212.53
Transportation expense.....	1,458,514.06	444,276.71	878,658.02	432,526.51	187,608.74
Station expense.....	585,786.86	161,446.36	353,913.41	180,771.69	86,350.21
Terminal expense.....					
Traffic, solicitation and advertising expense.....	256,115.00	87,190.11	132,666.88	65,876.91	33,024.85
Sales, tariff, and advertising expense.....					
Insurance and safety expense.....	304,041.30	73,884.64	154,313.65	98,148.34	34,460.82
Administrative and general expense.....	337,656.18	128,534.89	221,771.97	131,095.52	76,886.35
Total Operating Expenses.....	\$ 3,835,064.06	\$ 1,137,839.46	\$ 2,372,025.07	\$ 1,185,085.95	\$ 527,543.50

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING REVENUES AND EXPENSES—ENTIRE COMPANY

(Gross Revenue \$100,000.00 or More Annually)

NAME OF ACCOUNT	TRUCK OPERATIONS						BUS & TRUCK OPERATIONS
	Acme Freight Lines, Inc.	Central Truck Lines, Inc.	Great Southern Trucking Co.	K. & L. Transportation Co., Inc.	L. & L. Freight Lines, Inc.	St. Johns River Line Company	Tamiami Trail Tours, Inc.
OPERATING REVENUES							
Freight revenue—common carrier.....	\$ 435,670.42	\$ 516,686.56	\$1,120,194.43	\$ 456,576.20	\$ 644,914.59	\$ 214,659.17	\$ 241,737.82
Freight revenue—contract carrier.....							
Passenger revenue.....							243,953.29
Special bus revenue.....							7,303.55
Baggage revenue.....							
Mail revenue.....							
Express revenue.....							7,716.75
Newspaper revenue.....							3,112.28
Miscellaneous station revenue.....							46.10
Miscellaneous terminal revenue.....	489.73		520.15	2,608.24	247.28	2,222.17	171.66
Other operating revenue.....	20.76	364.12		532.72	708.03		
Total Operating Revenue.....	\$ 436,180.91	\$ 517,050.68	\$1,120,714.58	\$ 459,717.16	\$ 645,869.90	\$ 216,881.34	\$ 504,041.45
OPERATING EXPENSES							
Equipment maintenance and garage expense.....	\$ 64,091.50	\$ 66,927.81	\$ 152,215.20	\$ 81,720.63	\$ 78,561.36	\$ 30,697.76	\$ 83,304.93
Transportation expense.....	75,672.57	102,541.30	220,266.88	85,699.49	121,530.55	20,717.81	91,286.28
Station expense.....							28,829.90
Terminal expense.....	99,248.44	119,724.83	294,215.27	105,270.58	150,453.82	73,003.15	64,445.23
Traffic, solicitation and advertising expense.....							26,489.38
Sales, tariff, and advertising expense.....	36,656.26	29,795.29	46,537.34	21,289.60	34,039.52	5,408.31	11,884.90
Insurance and safety expense.....	22,938.72	28,781.32	67,237.66	30,083.72	47,869.56	15,248.97	35,003.09
Administrative and general expense.....	43,780.27	37,930.42	91,136.90	46,454.37	48,231.60	26,012.64	38,347.02
Total Operating Expenses.....	\$ 342,387.76	\$ 385,700.97	\$ 871,609.25	\$ 370,518.39	\$ 480,686.41	\$ 171,088.64	\$ 379,590.73

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING TAXES AND LICENSES—ENTIRE LINE

(Gross Revenue \$100,000.00 or More Annually)

KIND OF TAX	BUS OPERATIONS				
	Atlantic Greyhound Corporation	Florida Motor Lines Corporation	Southeastern Greyhound Lines	Teche Lines Incorporated	Union Bus Company
Gasoline, other fuel, and lubricating oil.....	\$ 279,422.53	\$ 126,213.77	\$ 235,759.29	\$ 119,525.03	\$ 54,818.80
Public-utility taxes and licenses.....	305,459.72	76.72	223,650.22	106,742.80	42,538.07
Other licenses.....	1,266.13	45,421.53	3,119.14	2,535.99	70.66
Corporation taxes.....	2,654.95		1,193.33	2,703.74	270.96
Real-estate and personal property taxes or gross-receipts taxes.....	37,294.98	6,242.98	61,093.27	6,922.56	1,087.47
Social-security taxes.....	64,932.48	19,490.42	43,448.28	24,419.56	9,898.79
Federal and State capital-stock and stock-transfer taxes.....	17,020.00	8,408.56	11,538.46	10,780.10	3,402.00
Federal excise taxes.....	82,545.79	344.79	1,100.47	22,062.82	352.24
Other taxes—mileage, documentary, State excise use, franchise, intangible property, etc.....		84,464.24	4,251.74	263.06	61.03
Total Operating Taxes and Licenses.....	\$ 790,596.58	\$ 290,663.01	\$ 585,154.20	\$ 295,955.66	\$ 112,500.02
PROVISION FOR INCOME TAXES					
Federal income tax.....	\$ 175,103.30	\$ 68,597.05	\$ 108,020.27	\$ 135,649.95	\$ 41,255.75
Federal excess profits tax.....				7,783.80	
Federal surtax on undistributed profits.....	13,422.00			46,091.10	3,400.29
State income taxes.....	43,553.00		17,543.23		
Total Provision for Income Taxes.....	\$ 232,078.30	\$ 68,597.05	\$ 125,563.50	\$ 189,524.85	\$ 44,656.04

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939
OPERATING TAXES AND LICENSES—ENTIRE LINE
(Gross Revenue \$100,000.00 or More Annually)

KIND OF TAX	TRUCK OPERATIONS						BUS & TRUCK OPERATIONS
	Acme Freight Lines, Inc.	Central Truck Lines, Inc.	Great Southern Trucking Co.	K. & L. Transportation Co., Inc.	L. & L. Freight Lines, Inc.	St. Johns River Line Company	Tamiami Trail Tours, Inc.
Gasoline, other fuel, and lubricating oil.....	\$ 26,022.54	\$ 28,601.24	\$ 71,672.32	\$ 27,660.40	\$ 44,527.21	\$ 4,878.93	\$ 38,052.25
Public-utility taxes and licenses.....	19,917.94	164.42	59,371.11	11,584.59	22,740.38		35,044.44
Other licenses.....	294.50				16,484.56	15,040.00	
Corporation taxes.....							
Real-estate and personal property taxes (or gross-receipts taxes).....	220.26	78.85	766.57	189.54	145.57	1,191.46	206.05
Social-security taxes.....	6,483.21	7,677.92	16,129.29	6,962.63	9,765.52	3,946.67	6,371.06
Federal and State capital-stock and stock-transfer taxes.....	420.37		700.00	60.50	421.77		531.00
Federal excise taxes.....	105.48				471.91		180.55
Other taxes—mileage, documentary, State excise, use, franchise, intangible property, etc.....	183.43	28,966.17			10.00	615.57	10.00
Total Operating Taxes and Licenses.....	\$ 53,647.73	\$ 65,488.60	\$ 148,639.29	\$ 46,457.66	\$ 94,566.92	\$ 25,672.63	\$ 80,395.35
PROVISION FOR INCOME TAXES							
Federal income tax.....	\$ 1,266.68	\$ 3,525.00	\$ 8,924.17	\$ 81.33	\$ 5,917.95	\$ 3,417.24	\$ 1,306.90
Federal excess profits tax.....		1,096.36	43.07				
Federal surtax on undistributed profits.....							
State income taxes.....			233.87	186.77			
Total Provision for Income Taxes.....	\$ 1,266.68	\$ 4,621.36	\$ 9,201.11	\$ 268.10	\$ 5,917.95	\$ 3,417.24	\$ 1,306.90

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING STATISTICS—ENTIRE LINE

(Gross Revenue \$100,000.00 or More Annually)

I T E M	BUS OPERATIONS				
	Atlantic Greyhound Corporation	Florida Motor Lines Corporation	Southeastern Greyhound Lines	Teche Lines Incorporated	Union Bus Company
Busses operated in inter-city common carrier service (regular routes) owned equipment:					
Number of vehicles.....	264	83	185	94	37
Miles operated (including non-revenue).....	25,973,988	8,611,819	16,814,387	8,879,261	3,865,793
Bus-miles operated in irregular inter-city service (special, including charter or sight-seeing).....	198,410	134,492		68,718	23,281
Number of inter-city revenue passengers carried:					
Regular route.....	6,299,910	1,437,702	4,866,623	2,583,510	872,652
Special service as above.....	14,923	28,934	N. A.	11,480	E. 3,055
Free—including employees.....	47,864	8,921	42,970	11,769	4,217
Total number of passengers carried.....	6,362,697	1,475,557	4,909,593	2,606,759	879,924
Number of regular route inter-city passenger miles.....	453,339,454			165,034,438	67,817,194
Passenger revenue from:					
Regular route inter-city service.....	\$ 6,333,058.71	\$ 1,902,574.14	\$ 3,918,050.24	\$ 2,449,540.14	\$ 866,687.65
Local service.....					
Special inter-city service (charter or sightseeing).....	71,986.86	55,032.67	51,831.46	27,246.05	7,469.42
Total Passenger Revenue.....	\$ 6,405,045.57	\$ 1,957,606.81	\$ 3,969,881.70	\$ 2,476,786.19	\$ 874,157.07

E—Indicates estimate.

N. A.—Indicates not available.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING STATISTICS—ENTIRE LINE

(Gross Revenue \$100,000.00 or More Annually)

ITEM	BUS OPERATIONS				
	Atlantic Greyhound Corporation	Florida Motor Lines Corporation	Southeastern Greyhound Lines	Teche Lines Incorporated	Union Bus Company
MILES OPERATED (INCLUDING NON-REVENUE) COMMON CARRIER ONLY					
Owned trucks operated in inter-city service.....					
Owned tractors operated in inter-city service.....					
Total owned vehicles.....					
HOURS OPERATED—COMMON CARRIER ONLY					
Used exclusively in pick-up and delivery and other local service:					
Owned vehicles.....					
Leased vehicles.....					
Tons of revenue freight carried in inter-city service.....					
Ton-miles in inter-city revenue freight carried.....					
Freight revenue from inter-city service, including pick-up and delivery if provided for in line-haul rate.....					
Revenue from local service.....					
Total freight revenue—actual.....					

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING STATISTICS—ENTIRE LINE

(Gross Revenue \$100,000.00 or More Annually)

I T E M	TRUCK OPERATIONS						BUS & TRUCK OPERATIONS
	Acme Freight Lines, Inc.	Central Truck Lines, Inc.	Great Southern Trucking Co.	K. & L. Transportation Co., Inc.	L. & L. Freight Lines, Inc.	St. Johns River Line Company	Tamiami Trail Tours, Inc.
Busses operated in inter-city common carrier service (regular routes) owned equipment:							
Number of vehicles.....							16
Miles operated (including non-revenue).....							1,313,514
Bus-miles operated in irregular inter-city service (special, including charter or sight-seeing).....							24,636
Number of inter-city revenue passengers carried:							
Regular route.....							175,396
Special service as above.....							8,057
Free—including employees.....							4,350
Total number of passengers carried.....							187,803
Number of regular route inter-city passenger miles.....							
Passenger revenue from:							
Regular route inter-city service.....							\$ 243,953.29
Local service.....							7,303.55
Special inter-city service (charter or sightseeing).....							
Total Passenger Revenue.....							\$ 251,256.84

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1939

OPERATING STATISTICS—ENTIRE LINE

(Gross Revenue \$100,000.00 or More Annually)

ITEM	TRUCK OPERATIONS						BUS & TRUCK OPERATIONS
	Acme Freight Lines, Inc.	Central Truck Lines, Inc.	Great Southern Trucking Co.	K. & L. Transportation Co., Inc.	L. & L. Freight Lines, Inc.	St. Johns River Line Company	Tamiami Trail Tours, Inc.
MILES OPERATED (INCLUDING NON-REVENUE) COMMON CARRIER ONLY							
Owne d trucks operated in inter-city service.....	9,300	2,144,670		N. A.	546,626	217,458	846,067
Owne d tractors operated in inter-city service.....	2,157,071		5,463,000	N. A. *	2,671,608	518,693	
Total owne d vehicles.....	2,166,371	2,144,670	5,463,000	N. A.	3,218,234	736,151	846,067
HOURS OPERATED—COMMON CARRIER ONLY							
Used exclusively in pick-up and delivery and other local service:							
Owne d vehicles.....	37,440	E 90,000	N. A.	N. A.	73,428	49,858	N. A.
Lease d vehicles.....			N. A.	N. A.			N. A.
Tons of revenue freight carried in inter-city service.....	39,524	42,720	79,728	50,511	41,787	55,896	24,570
Freight revenue from inter-city service, including pick-up and delivery if provided for in line-haul rate.....	E\$ 435,370.42	\$ 516,686.56	\$1,120,194.43	\$ 456,576.20	\$ 644,914.59	\$ 214,659.17	\$ 241,737.82
Revenue from local service.....	E 300.00						
Total freight revenue—actual.....	\$ 435,670.42	\$ 516,686.56	\$1,120,194.43	\$ 456,576.20	\$ 644,914.59	\$ 214,659.17	\$ 241,737.82

E—Indicates estimate.

N.A.—Indicates not available.

Ferry Companies

STATISTICS OF FERRY COMPANIES—CALENDAR YEAR 1939
GENERAL BALANCE SHEET—ENTIRE COMPANY
AT DECEMBER 31, 1939

A S S E T S	Bee Line Ferry, Inc.
TANGIBLE PROPERTY	
Line equipment—boats.....	\$ 245,288.90
Real estate.....	40,753.38
Terminals.....	26,600.95
Buildings.....	3,355.58
Office equipment.....	1,077.90
Miscellaneous equipment.....	2,186.59
Total tangible property.....	\$ 319,263.30
INTANGIBLE PROPERTY	
Franchise and goodwill.....	\$ 60,204.62
CURRENT ASSETS	
Cash on hand and in bank.....	\$ 8,876.70
Accounts receivable.....	658.23
Material and supplies.....	50.59
Total current assets.....	\$ 9,585.52
DEFERRED DEBIT ITEMS	
Prepaid expenses.....	\$ 5,816.99
Deferred charges to operations.....	2,435.97
Total deferred debit items.....	\$ 8,252.96
Grand Total.....	\$ 397,306.40
L I A B I L I T I E S	
CAPITAL STOCK	
Common stock.....	\$ 136,500.00
LONG-TERM DEBT	
Notes and mortgages payable.....	\$ 16,924.00
CURRENT LIABILITIES	
Loans and bills payable.....	\$ 25,434.68
Audited vouchers and wages unpaid.....	9,087.62
Other working liabilities.....	3,604.35
Unmatured dividends, interest and rents payable.....	1,186.98
Taxes accrued.....	8,957.20
Total current liabilities.....	\$ 48,270.83
UNADJUSTED CREDITS	
Reserve for accrued depreciation.....	\$ 95,947.23
CORPORATE SURPLUS	
Profit and loss—credit.....	\$ 99,664.34
Grand Total.....	\$ 397,306.40

STATISTICS OF FERRY COMPANIES—CALENDAR YEAR 1939
PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

I T E M	BEE LINE FERRY, INC.	
	Debits	Credits
Balance at beginning of year.....	\$.....	\$ 66,580.93
Transferred from income.....		33,083.41
Credit balance at December 31, 1939.....	99,664.34	
Total.....	\$ 99,664.34	\$ 99,664.34

STATISTICS OF FERRY COMPANIES—CALENDAR YEAR 1939
ANALYSIS OF TRAFFIC

I T E M	Bee Line Ferry, Inc.
Number of passengers carried.....	142,232
East.....	68,787
West.....	73,445
Number of trucks carried.....	4,192
East.....	1,967
West.....	2,225
Number of automobiles carried.....	76,593
East.....	37,431
West.....	39,162
Number of round trips.....	6,604

S C H E D U L E

January 1st to March 31st, inclusive, Boats every 30 minutes, 24 round trips daily.

April 1st to December 24th, inclusive, Boats every 45 minutes, 16 round trips daily.

December 25th to December 31st, inclusive, Boats every 30 minutes, 24 round trips daily.

STATISTICS OF FERRY COMPANIES—CALENDAR YEAR 1939
INCOME ACCOUNT—ENTIRE COMPANY

I T E M	Bee Line Ferry, Inc.
OPERATING REVENUES: TOLLS	
Automobiles.....	\$ 74,971.80
Trucks.....	7,931.45
Passengers.....	16,313.93
Busses.....	1,658.20
Excursions.....	43,141.00
Trailers.....	523.25
Miscellaneous.....	281.30
Refunds on unused coupons and tickets.....	*2,359.86
Net revenue from tolls.....	\$ 142,461.09
Miscellaneous operating revenue.....	2,189.79
Total operating revenue.....	\$ 144,650.88
OPERATING EXPENSES	
MAINTENANCE OF EQUIPMENT	
Superintendence.....	\$ 2,701.00
Repairs of vessels.....	11,840.36
Depreciation vessels.....	12,313.26
Total maintenance of equipment.....	\$ 26,854.62
MAINTENANCE OF TERMINALS	
Wages.....	\$ 2,480.69
Docks, wharves and buildings.....	2,608.09
Depreciation terminals.....	3,643.93
Total maintenance of terminals.....	\$ 8,732.71
TRAFFIC EXPENSE	
Advertising.....	\$ 4,636.39
Stationery and printing.....	568.34
Other traffic expense.....	151.95
Total traffic expense.....	\$ 5,356.68
TRANSPORTATION EXPENSE	
OPERATION OF VESSELS	
Wages of crew.....	\$ 24,894.07
Fuel and lubricants.....	10,720.30
Supplies.....	1,085.00
Total operation of vessels.....	\$ 36,699.37
OPERATION OF TERMINALS	
Salaries of agents, clerks and attendants.....	\$ 2,723.34
Stationery and printing.....	84.93
Light, heat, power and water.....	239.93
Total operation of terminals.....	\$ 3,048.20
INCIDENTAL TRANSPORTATION EXPENSE	
Damages to property.....	\$ 37.65
Injuries to persons.....	3.00
Total incidental transportation expense.....	\$ 40.65
Grand Total Transportation Expense.....	\$ 39,789.22

*—Asterisk represents debit item.

STATISTICS OF FERRY COMPANIES—CALENDAR YEAR 1939
INCOME ACCOUNT—ENTIRE COMPANY

I T E M	Bee Line Ferry, Inc.
GENERAL EXPENSE	
Salaries of general officers.....	\$ 3,080.00
Salaries of clerks and attendants.....	2,700.00
General office supplies.....	284.70
Law expense.....	250.00
Insurance.....	8,722.99
Stationery and printing.....	19.25
Other general expense.....	1,993.85
Total general expense.....	\$ 17,050.79
Total operating expenses.....	\$ 97,783.02
Net revenue from ferry operations.....	\$ 46,867.86
Taxes accrued.....	8,856.70
Net ferry operating income.....	\$ 38,011.16
INCOME DEDUCTIONS	
Interest on funded debt.....	\$ 2,714.33
Amortization of discount on funded debt.....	2,213.42
Total income deductions.....	\$ 4,927.75
Credit balance transferred to profit and loss.....	\$ 33,083.41

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